



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2011

Mr. Tom Hernandez
Director of Community Relations & FOIA Officer
Plainfield Community Consol. Sch. Dist. No. 202
15732 Howard Street
Plainfield, IL 60544

FOIA Pre-Authorization Request - 2011 PAC 14058

Dear Mr. Hernandez:

We have received and reviewed the written notice from Plainfield Community Consolidated School District No. 202 (School District) of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, on April 20, 2011, Catherine Ann Velasco of *The Herald-News* submitted a FOIA request for the executive summary and data of a community survey. The School District disclosed a copy of the executive summary and all data with the exception of comments by survey respondents; the School District is seeking to withhold those comments under section 7(1)(f).

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f) (West 2009 Supp.). The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

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DETERMINATION

The School District's use of the section 7(1)(f) exemption to withhold comments by survey respondents is **approved**. We determined in 2010 PAC 9980 that a survey in which students' parents rated and commented on a school's tennis program was exempt from disclosure under section 7(1)(f). Ill. Atty'y Gen. PAC Pre-Auth. al9980, issued October 14, 2010. We have reviewed a representative sample of the comments in the School District's community survey, which included many recommendations and strong opinions regarding curriculum, classroom management, and various other matters. The School District has asserted that those comments were solicited to obtain input for formulating actions and policies. In addition, the School District has indicated that the comments have not been publicly cited by the head of the public body. Accordingly, we conclude that the School District has sustained its initial burden of demonstrating that these comments are exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc: Ms. Catherine Ann Velasco
Reporter
The Herald-News
13543 S. U.S. Highway 30
Plainfield, IL 60544-1100