



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 15, 2010

Matt Vanover  
Director of Public Information  
Illinois State Board of Education  
100 N. First Street  
Springfield, Illinois 62777-0001

RE: Pre-Authorization Request – 2010 PAC 10198

Dear Mr. Vanover:

We have received and reviewed the written notice from the Illinois State Board of Education (ISBE) of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA).

On September 7, 2010, [REDACTED] submitted a FOIA request to ISBE, seeking the following documents:

All documents including but not limited to the following, every form of communication, survey materials, notes, findings, reports, studies, evaluations, consultants, associates, accountants, affiliates and all work product between every staff member of ISBE, SD86 and Clearview Horizons (RCDT Code 77-777-0028-00-0818) as a Provider/Facility/Program pursuant to 23 Ill. Admin. Code Part 401.

In its written notice, ISBE asserts that parts of the requested records, specifically, handwritten notes and drafts created by ISBE staff, are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)). Subsequent to a further inquiry letter from this Office, ISBE provided a copy of the withheld handwritten notes and drafts for our review.

**Determination**

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.”

November 15, 2010

Page 2

ISBE's use of Section 7(1)(f) exemption with regard to the handwritten notes and drafts is **approved**. We have determined that the withheld drafts and notes are pre-decisional documents in which opinions were expressed and were relied upon by ISBE in formulating an action or policy regarding a specific matter. Moreover, there is no indication that these documents have been publicly cited or identified by the Director of ISBE. Accordingly, ISBE has met its initial burden of demonstrating that the handwritten notes and drafts are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

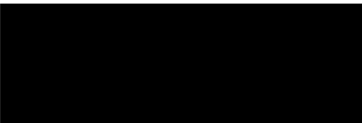
Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Tola Sobitan  
Assistant Public Access Counselor

cc:

  
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