



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 4, 2010

Mr. Bob Beckwith
Business Manager
Lemont-Brombeck Consolidated School District 113A
16100 West 127th Street
Lemont, Illinois 60439

RE: FOIA Pre-Authorization Request – 2010 PAC 6087 and 6863

Dear Mr. Beckwith:

We have received and reviewed the documents that our Office requested on March 9, 2010 in order to determine if your pre-authorization request was properly asserted under Section 7(1)(f) of the Freedom of Information Act (FOIA) 5 ILCS 140/1 *et. seq.*, as amended.

██████████ submitted a FOIA request to the Lemont-Brombeck Consolidated School District 113A (District) on February 22, 2010 seeking a copy of the tally sheet of the opening sealed bids and the request for proposals for the district's auditor position.

On March 4, 2010, the District submitted a pre-authorization request to our Office, asserting that the request for proposals and tally sheet are exempt from disclosure under Section 7(1)(f) of FOIA.

Section 7(1)(f) exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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).

On April 7, 2010, Ms. ██████████ submitted a second FOIA request to the District for the same information. On April 9, 2010, Ms. ██████████ submitted a Request for Review with our Office. On April 14, 2010, the Lemont-Brombeck School Board held a meeting where the tally sheet was presented to the board for approval. The tally sheet is currently available on the District's website.

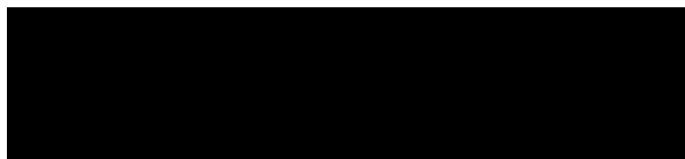
Determination

The District's Section 7(1)(f) pre-authorization request is hereby denied. Because the information has been publicly disclosed and has been publicly identified by the head of the public body, the information no longer falls within the scope of Section 7(1)(f).

Therefore, the District shall supply the tally sheet and the requests for proposal to Ms. [REDACTED]. If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Matthew C. Rogina
Assistant Public Access Counselor

cc:

