



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 19, 2010

Sunny Clark
FOIA Officer
Department of Central Management Services
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706

RE: Pre-Authorization Requests – 2010 PAC 10430
Requester: Clay Simonson

Dear Ms. Clark:

We have received and reviewed the written notice from the Illinois Department of Central Management Services (CMS) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On September 2, 2010, Mr. Clay Simonson submitted a request for the following records:

[A]ny and all written internal documents and files within CMS and IDPH, emails to, from and within CMS and IDPH for the years 2008, 2009, and 2010 concerning the SPSA 8-E and SPSA 8-H positions. The request is only **relating to the IDPH Regional Environmental Supervisor SPSA 8-E and 8-H positions**. The request is also for any and all correspondence to and from or about any determinations for Joe O'Connor in the West Chicago Regional Supervisors position including his verification as a SPSA 8-E or SPSA 8-H. Specific importance are e-mails and documents from Joe O'Connor, Eric Thomas, DiAnna Green, Shelly Grayned and other senior or personnel staff from IDPH and CMS on this matter. This request is also to include internal documents by CMS staffer, John Terranova or other CMS Personnel Section staff with CMS Director Sledge concerning the improper classification of Joe O'Connor and IDPH grievance filed relating to the SPSA 8-H and 8-E positions Please provide **only the CMS and IDPH internal information, and conclusions** and not the actual grievance material.

CMS asserts that certain of the responsive records are exempt from disclosure under Section 7(1)(f) of FOIA.

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 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).

Determination

We have determined that CMS’s use of the exemption in Section 7(1)(f) with regard to these documents is approved. Based on the detailed explanation provided by CMS, we conclude that these documents are pre-decisional, contain opinions and recommendations, and were used to formulate action or policy. The withheld documents include drafts of a document, the final version of which was provided to the requesters. CMS asserts that these records have not been publicly cited or identified by the Director. Thus, CMS has met its initial burden of showing that these records are exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Sarah Kaplan
Assistant Public Access Counselor

cc: Clay Simonson
Rockford Regional Supervisor
Illinois Department of Public Health
4302 North Main Street
Rockford, IL 61103

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