



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 18, 2010

Laurie A. Rayborn
Deputy Village Clerk
Village of Palatine
200 E. Wood Street
Palatine, Illinois 60067-5339

Re: Pre-Authorization Request – 2010 PAC 10654

Dear Ms. Rayborn:

We have received and reviewed the written notice from the Village of Palatine (Village) of its intention to deny disclosure of a certain record as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Bryan Dant of LexisNexis Claims Solutions Inc. submitted a FOIA request to the Village on November 2, 2010 seeking a Fire/Arson report for 24 W. Station Street. In its written notice, the Village asserted that the responsive report is exempt under Section 7(1)(f) as a preliminary report as the report "...has not had a final disposition of the court..."

On November 18, 2010, Village Attorney, Patrick Brankin, provided additional information regarding the preliminary nature of the report, which he advised includes opinions and recommendations and is still subject to revision.

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[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 shall not be exempt when the record is publicly cited and identified by the head of the public body."

Determination

The Village's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified document is approved. The responsive document is a draft document containing opinions and recommendations which are subject to revision until a final disposition is made in the related court proceeding. Therefore, the Village has met its burden of demonstrating that the specific document is exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the Village may issue a denial letter to Mr. Dant, withholding the responsive record.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Assistant Attorney General

cc: Bryan Dant
LexisNexis Claims Solutions
P.O. Box 7000
Southeastern, Pennsylvania 19398

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