



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 10669
Requester: Bridget Carlson

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 29, 2010, Bridget M. Carlson submitted two requests for the following information:

...any and all records relating to any increase or decrease in pay for any person or position on the job title "Senior Public Service Administrator, Option 8E" ("SPSA 8E") subsequent to 1/1/2009...

...any and all records relating to job title "Senior Public Service Administrator, Option 8E ("SPSA 8E") in conjunction with that title's certification as a bargaining unit, that title's subsequent decertification as a bargaining unit, that title's return to "Merit Compensation" status, dates of records from 1/1/2009 to present, inclusive...

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

Sunny Clark
November 18, 2010
Page 2 of 2

exempt when the record is publicly cited and identified by the head of the public body.” 5 ILCS 140/7(1)(f).

Determination

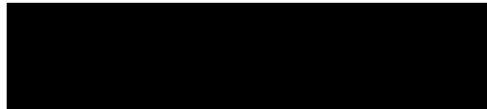
We have determined that CMS’s use of the exemption in Section 7(1)(f) with regard to these documents is approved. Based on the detailed explanation provided by CMS, we conclude that these documents are pre-decisional, contain opinions and recommendations, and were used to formulate action or policy. 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: Bridget M. Carlson
Segal McCambridge
233 S. Wacker Drive, Suite 5500
Chicago, Illinois 60606

10669 preauth at 71f prelim draft sa