OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 2010

Curt Clemmons-Mosby
Freedom of Information Officer
Governor's Office of Management and Budget
603 Stratton Building
Springfield, Illinois 62706

RE: Pre-Authorization Request – 2010 PAC 10696

Dear Mr. Clemons-Mosby:

We have received and reviewed the written notice from the Governor's Office of Management and Budget (Office) of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA).

On November 8, 2010, [redacted] submitted a FOIA request to the Office, seeking a copy of the following information:

> The ePAR and any other documents concerning the reinstatement of [redacted] from SPSA to Shift Supervisor that transacted on or around Oct. 1, 2010.

In its written notice, the Office asserts that certain portions in the requested records are being withheld as exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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."

The Office's use of Section 7(1)(f) exemption with regard to the withheld portions of the record is **approved**. We have determined that the withheld parts of the requested records consist of statements in which opinions were expressed and were relied upon by the Office in formulating an action or policy regarding a specific matter. Furthermore, there is no indication that these statements have been publicly cited or identified by the Office. Accordingly, the Office has met

its initial burden of demonstrating that the withheld portions of the records 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: [redacted]

Tola Sobitan
Assistant Public Access Counselor

cc: [redacted]

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