



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

November 29, 2010

Ms. Christina Sayles
FOIA Officer
Southern Illinois University Carbondale
csayles@siu.edu

RE: FOIA Request for Review 2010PAC10827

Dear Ms. Sayles:

We have received and reviewed the written notice from Southern Illinois University Carbondale (SIU) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on November 12, 2010, Jerry Becker submitted a FOIA request to SIU seeking a copy of "██████████ letter to Dean Kenneth Feitelbaum regarding the promotion of ██████████ to full professor."

On November 19, 2010, SIU sought our Office's approval to withhold the letter pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which 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."

Determinations

SIU's request for approval of its decision to withhold the letter pursuant to Section 7(1)(f) is approved.

The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987). Our Office has reviewed the letter and we have concluded

that the document reflect the opinions and recommendations of SIU and accordingly falls within the scope of Section 7(1)(f).

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, SIU has met its initial burden under Section 7(1)(f) and may withhold the document in question.

Should 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: Jerry Becker
jbecker@siu.edu

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