



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 2, 2010

Lt. John Proffitt
FOIA Officer
Fairview Heights Police Department
10027 Bunkam Road
Fairview Heights, IL 62208

RE: Pre-Authorization Request – 2010 PAC 10823, 2010 PAC 10210
Requester: [REDACTED]

Dear Lt. Proffitt:

We have received and reviewed the written notice from the City of Fairview Heights (City) 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 November 18, 2010, [REDACTED] requested an email with the subject line "Morning Coffee Round Table" and an email with the subject line "Employee Productivity." The City asserts that these emails are exempt from disclosure under Section 7(1)(f) of FOIA. As you noted in your correspondence to us, [REDACTED] requested the same records on October 5, 2010, and we received your first request for pre-authorization to deny these emails on October 18, 2010. This letter responds to both of those requests.

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 the City's use of the exemption in Section 7(1)(f) with regard to these emails is approved. Based on the City's detailed summary of its basis for asserting the exemption, we conclude that these documents contain recommendations and were used to formulate actions. The City asserts that these emails have not been publicly cited or identified by the head of the City. Thus, the City 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:



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10823 preauth al 71f prelim draft pd