



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 3, 2010

Michael Benard  
Executive Director/FOIA Officer  
Wheaton Park District  
102 E. Wesley Street  
Wheaton, Illinois 60187

Re: Pre-Authorization Request – 2010 PAC 10913

Dear Mr. Benard:

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

██████████ submitted a FOIA request to the District on November 3, 2010 seeking "detailed plan and drawings of proposed Kelly Park improvements." In its written notice, the District asserted that the responsive documents are exempt from disclosure under Section 7(1)(f) of FOIA as they are "...not yet complete public records and are still part of the deliberative process."

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 District's proposed application of the exemption found in Section 7(1)(f) to deny disclosure of the responsive documents is approved. Documents which are in draft form and subject to revision are exempt from disclosure under Section 7(1)(f). Therefore, the District has met its burden of demonstrating that the responsive documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the District's issuance of a denial letter withholding the responsive documents from disclosure was appropriate.

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

Sincerely,

Cara Smith  
Public Access Counselor

By:

Jessica O'Leary  
Assistant Attorney General

cc: