



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

Lisa Madigan
ATTORNEY GENERAL

December 3, 2010

Ms. Trisha Crowley
City of Champaign
Trisha.crowley@ci.champaign.il.us

RE: FOIA Pre-Authorization Request 2010-PAC 10918

Dear Ms. Crowley:

We have received and reviewed the written notice from the City of Champaign (City) 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 140/7(1)(f), *et seq.*, as amended).

Specifically, on November 5, 2010, [REDACTED] submitted a FOIA request to the City seeking the Regional Task Force's Comprehensive Housing Study (Study). On November 19, 2010, the City sought our Office's approval to withhold a draft of the report 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." The City noted that a preliminary Executive Summary of the Study has been submitted to [REDACTED].

Determinations

The City's request for approval of its decision to withhold the draft 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). In its letter, the City explains that it seeks to withhold the Study because it is has not been finalized and is subject to revision.

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).

However, the City must supply a copy of the Study to [REDACTED] upon its completion.

Based on this analysis, the City 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

By:

[REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor

cc: [REDACTED]
[REDACTED]

10918 pre-auth al 7(1)(f) prelim draft mun