



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 21, 2010

City of Naperville
Pam LaFeber, Ph.D.
City Clerk/FOIA Officer
400 S. Eagle Street
P.O. Box 3020
Naperville, IL 60566-7020

Re: Pre-authorization request – 2010 PAC 10334

Dear Ms. LaFeber:

We have reviewed a request by the City of Naperville for pre-authorization to withhold records requested by Mark Misorowski under the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. Mr. Misorowski requested copies of various records regarding [REDACTED] pension and/or retirement package. The City disclosed responsive records and requested pre-authorization to redact several email messages pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

Section 7(1)(f) 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.” 5 ILCS 140/7(1)(f).

The City’s request to withhold the records in their entirety pursuant to Section 7(1)(f) is **denied**. We have reviewed un-redacted copies of the records, which consist of inter-agency email messages. Although the correspondence sets forth two alternatives, the information provided is factual and based on numerical data. Accordingly, the email messages do not constitute a preliminary version of a record in which opinions or recommendations are discussed or policies are formulated, for purposes of Section 7(1)(f).

The City intends to redact additional information from the records requested by Mr. Misorowski pursuant to Section 7(1)(b) (5 ILCS 140/7(1)(b)). We have not analyzed the assertion of that


exemption; the City's assertion of that exemption is not contingent upon receiving pre-approval from this office.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:


Steve Silverman
Assistant Public Access Counselor

cc: Mark R. Misorowski
The Misorowski Law Group
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Warrenville, IL 60555