



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 16, 2010

Ms. Christine Bruton
FOIA Officer
Village of Hinsdale
19 East Chicago Ave
Hinsdale, Illinois 60521

RE: Pre-Authorization Request – 2010 PAC 6070
Requester: [REDACTED]

Dear Ms. Bruton:

We have reviewed the written notice from the Village of Hinsdale (Village) of its intention to deny disclosure of certain records as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). The Village's written notice relates to a FOIA request submitted by [REDACTED] for the following records:

Any and all, but not limited to written notes, meeting minutes; electronic communications, not limited to and including email of the conversations, proposals, meeting notes related to the sharing of services, consolidation of departments or services of the Hinsdale and Clarendon Hills Fire Departments.

In its written notice, the Village asserted that the following records are exempt from disclosure under Section 7(1)(f) of FOIA:

- A December 3, 2009, memorandum exploring the consolidation of fire services between the Village and the Village of Clarendon Hills;
- Memoranda dated December 10, 2009 and December 15, 2009 in which the Village Manager and Fire Chief discussed their concerns and recommendations with the Village President and Trustees;
- The Village Manager's personal notes on his thoughts regarding preliminary drafts and proposals; and
- Email communications between the Village Manager, the Village Fire Chief, the Village President and the Assistant Village Manager/Finance Director, and between the Village

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Fire Chief and the Fire Chief of the Village of Clarendon Hills. All of these emails contained proposals or opinions and deliberations regarding proposals.

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

The Village’s use of the Section 7(1)(f) exemption with regard to the withheld records is approved. These documents were part of the Village’s decision-making process. They contain the opinions and deliberations of Village officials and were used to formulate the Village’s actions. The Village asserts that none of these records has ever been publicly cited or identified by the Village President. Thus, the Village has met its initial burden of proving that these records are exempt from disclosure under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

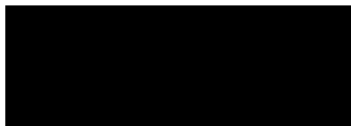
Cara Smith
Public Access Counselor

By:



Sarah Kaplan
Assistant Public Access Counselor

cc:



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