



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 16, 2010

Sunny Clark
FOIA Officer
Department of Central Management Services
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706

Jeffrey Shuck
Deputy General Counsel – Personnel
Department of Central Management Services
720 Stratton Office Building
401 South Spring Street
Springfield, IL 62706

RE: Pre-Authorization Request – 2010 PAC 6319
Requester: Barry Lowy, Equip for Equality

Dear Ms. Clark and Mr. Shuck:

We have received and reviewed the written notice from the Department of Central Management Services (CMS) 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 March 10, 2010, Mr. Barry Lowy requested the records that CMS is required to maintain under the Supported Employees Act (5 ILCS 390/9(a)(1-3) and 9(b)). CMS asserts that certain memoranda responsive to this request are exempt from disclosure under Section 7(1)(f) of FOIA.

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 CMS’s use of the exemption in Section 7(1)(f) of FOIA with regard to these records is approved. These records are internal memoranda that were used to formulate CMS’s annual reports to the General Assembly. The annual reports have been provided to Mr.

Lowy. CMS asserts that none of these internal memoranda has been publicly cited or identified by the Director of CMS. Therefore, CMS has met its initial burden of showing that these records are exempt from disclosure under Section 7(1)(f).

Should you have 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: Barry Lowy
Senior Attorney
Central Regional Office
Equip for Equality
P.O. Box 276
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