



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 27, 2010

Robert Swain
Hodges, Loizzi, Eisenhammer, Rodick & Kohn, LLP
3030 Salt Creek Lane, Suite 202
Arlington Heights, IL 60005

RE: Pre-Authorization Request – 2010 PAC 11409
Requester: [REDACTED]

Dear Mr. Swain:

We have received and reviewed the written notice from the Winnetka Public Schools, District 36 (School District) of its intention to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On December 6, [REDACTED] requested records including “all correspondence between and among members of the Board of Education, District employees, and all representatives of Jasculca/Terman [JT] including but not limited to reports and recommendations made therein.” The School District proposes to withhold draft documents, comments on those drafts, and emails in which Board members and JT staff express opinions and discuss the School District’s plans. The School District asserts that these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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 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

Based on the School District’s detailed description of these records, we have determined that the School District’s use of the exemption in Section 7(1)(f) to withhold these records is approved. Some of these records are drafts subject to revision, and the others are documents in which opinions were expressed and in which the School District’s actions were formulated. The School District asserts that none of these records has been publicly cited or identified by the

Superintendent or the School Board. Therefore, the School District has sustained its initial burden of showing that these records are exempt under Section 7(1)(f).

Accordingly, the School District should send a partial denial letter directly to [REDACTED] and provide her with the non-exempt information responsive to her request.

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:

[REDACTED]
Sara Kaplan
Assistant Public Access Counselor

cc:

[REDACTED]

11409 preauth al 71f prelim draft sd