



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 22, 2010

Shelia Chernis, FOIA Officer  
Illinois Department of Commerce  
and Economic Opportunity  
500 E. Monroe Street  
Springfield, Illinois 62701-1643

Re: Pre-Authorization Request – 2010 PAC 11394

Dear Ms. Chernis:

We have received and reviewed the written notice from the Illinois Department of Commerce and Economic Opportunity (DCEO) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Ray Gibson of the Chicago Tribune submitted a FOIA request to the DCEO dated October 12, 2010 seeking the following information:

...all information dealing with contracts, correspondence, invoices, audits, payments, receipts for the following entities and individuals:

Illinois Hospital Associate, Howard Peters  
Successful Independent Network  
People's Community Development Association, Michael Eddy

In its written notice, the DCEO asserted that several responsive documents in which opinions are expressed or policies or actions are formulated are exempt from disclosure under Section 7(1)(f) of FOIA.

Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) exempts from disclosure records that constitute "[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 shall not be exempt when the record is publicly cited and identified by the head of the public body."

Determination

With the exception of a one page email dated 09/09/10 12:49 p.m., the DCEO's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified emails is approved. We have reviewed the documents provided by the DCEO and have determined that they contain opinions and recommendations relating to the formulation of actions regarding a specific grantee, which the DCEO asserted have not been publicly cited by its Director. Therefore, the DCEO has met its initial burden of demonstrating that the specific documents are exempt from disclosure under Section 7(1)(f) of FOIA.

The DCEO's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of an email dated 09/09/10 12:49 p.m. is denied. We have reviewed a copy of this email and have determined that it is a document in which no opinions are expressed and no policies or actions are being formulated. Therefore, the DCEO has failed to meet its initial burden of demonstrating that the specific email is exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, unless the DCEO asserts an exemption other than Section 7(1)(f) of FOIA, it shall disclose the email dated 09/09/10 12:49 p.m. to Mr. Gibson.

If you have any questions, please feel free to contact me at (312) 814-1003 or [joleary@atg.state.il.us](mailto:joleary@atg.state.il.us). This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By: 

Jessica O'Leary  
Assistant Attorney General

cc: Ray Gibson  
Chicago Tribune  
435 N. Michigan Avenue  
Chicago, Illinois 60611