



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 22, 2010

Sunny Clark, FOIA Officer
Illinois Department of Central Management Services
720 Stratton Office Building
401 S. Spring Street
Springfield, Illinois 62706

Re: Pre-Authorization Request – 2010 PAC 11395

Dear Ms. Clark:

We have received and reviewed the written notice from the Illinois Department of Central Management Services (CMS) 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).

Steve Rauter submitted a FOIA request to CMS on December 3, 2010 seeking, in part, the following information:

Any and all minutes, notes, or official summary of the September 28, 2010 Sole Source Justification hearing regarding STARCOM21, including, but not limited to, documents and comments submitted by others, and the staff summary of that hearing...

Any working documents, including any notes, summary or conclusion of a four person work group (announced at the September 28, 2010 hearing) assigned by CMS to the study of Sole Source Justification for STARCOM21, including date, time, and location of the meeting(s)...

In its written notice, CMS asserted that "...the release of any notes taken at the September 28, 2010 hearing, as well as any notes or summary report for the group assigned by CMS to study the Sole Source Justification for STARCOM21" is 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

CMS’s proposed application of the exemption found in Section 7(1)(f) to deny disclosure of “...any notes taken at the September 28, 2010 hearing, as well as any notes or summary report for the group assigned by CMS to study the Sole Source Justification for STARCOM21” is approved. We have reviewed copies of the specified documents provided by CMS and have determined that they consist of handwritten hearing/meeting notes which are preliminary in nature. In addition, the responsive documents contain a draft document which is clearly subject to revision. Therefore, CMS has met its initial burden of demonstrating that the specified documents are exempt from disclosure under Section 7(1)(f) of FOIA.


Accordingly, CMS may issue a partial denial letter withholding the specified documents from disclosure. Please note, we offer no opinion or advice as to CMS’s application of any exemption other than Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-1003 or 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: Steve Rauter
Executive Director
WESCOM
Western Will County Communications Center
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