



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 13, 2011

Trisha Crowley
Deputy City Attorney
Legal Department
City of Champaign
102 N. Neil Street
Champaign, Illinois 61820

Re: Pre-Authorization Request – 2010 PAC 10489

Dear Ms. Crowley:

Thank you for providing the additional information we requested on November 10, 2010 in response to a written notice from the City of Champaign (City) 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).

In a FOIA request submitted to the City on October 18, 2010, [REDACTED] sought the following information:

...a copy of the compact disc IN ITS ENTIERITY, compiled by the Department of Neighborhood Services employees, and containing the entire chain of email correspondence between Susan Salzman and anyone else regarding, referring to, or authored by any employee of the Department of Neighborhood Services, Giraldo Rosales, Melodye Rosales, or any proxy of Giraldo or Melodye Rosales or [REDACTED] or others or the properties at 618 and 620 West Hill Street...

Determination

Section 7(1)(f) of FOIA 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." 5 ILCS 140/7(1)(f).

The City's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of a specific memorandum provided to the Public Access Counselor is approved. We have reviewed a copy of the responsive memorandum and have determined that it consists of a

pre-deliberative communication in which actions were formulated and opinions were expressed. In addition, the City advised that the memorandum has not been publically identified by the Mayor. Accordingly, the City has met its initial burden of demonstrating that the specific memorandum is exempt from disclosure under Section 7(1)(f) of FOIA.

Please note, we offer no advice or opinion as the City's use 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 jolcarv@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: