



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 13, 2011

Matt Vanover
Director of Public Information
Illinois State Board of Education
100 N. First Street
Springfield, Illinois 62777-0001

Re: Pre-Authorization Request – 2010 PAC 11448

Dear Mr. Vanover:

Thank you for providing the additional information we requested on December 28, 2010 in response to a written notice from the Illinois State Board of Education (ISBE) 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 ISBE on August 4, 2010, Jeffery Antonelli sought the following information, in part:

1. All reports, notes, records, and correspondence relating to any and all site visits by ISBE at PCCTI [PC Computer Training Institute] in 2009 and 2010.

Determination

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.”

The ISBE’s proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of specific notes provided to the Public Access Counselor is approved. We have reviewed a copy of the responsive document and have determined that it consists of opinions and recommendations following a monitoring visit by the ISBE staff, which the ISBE advised “...are intended for use in arriving at a final determination regarding compliance.” Therefore, the ISBE

has met its initial burden of demonstrating that the specific notes are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the ISBE may issue a partial denial letter withholding the responsive documents from disclosure.

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: [REDACTED]
[REDACTED]
[REDACTED]
Jessica O'Leary
Assistant Attorney General

cc: Jeffery J. Antonelli
Law Office of Jeffery J. Antonelli, Ltd.
30 N. LaSalle Street, Suite 3400
Chicago, Illinois 60602