



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

January 12, 2011

Valeria Perez
Freedom of Information Officer
City of West Chicago
475 Main Street
West Chicago, IL 60185

RE: Pre-Authorization Request – 2010 PAC 11538

Dear Ms. Perez:

We have received and reviewed the written notice from the City of West Chicago of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on December 13, 2010, the City received a FOIA request from [REDACTED] which sought a copy of the attachments included in two email correspondences dated November 5, 2007 and March 17, 2008. In its written notice, the City asserts that the requested email attachments are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

Section 7(1)(f) of FOIA exempts from inspection and copying “[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 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.”

The City’s use of the Section 7(1)(f) exemption with regard to the email attachments is approved. We have determined that these attachments comprise preliminary drafts which were utilized by the City in its decision-making process regarding a specific matter. Moreover, there is no indication that the draft documents have been publicly cited or identified by the City. Accordingly, the City has met its initial burden of establishing that the requested email attachments are exempt from disclosure under Section 7(1)(f) of FOIA.

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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Sobitan
Assistant Public Access Counselor

cc:



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