



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 18, 2011

Ms. Sunny Clark
Freedom of Information Act Officer
Central Management Services
Sunny.clark@illinois.gov

RE: FOIA Pre-Authorization Request 2011 PAC 11794

Dear Ms. Clark:

We have received and reviewed the written notice from the Central Management Services of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on January 3, 2011 Claire Reed, on behalf of K & L Gates LLP, submitted a FOIA request seeking documents received by CMS in response to the "Contract Award Protest" submitted by Connect EDU.

On January 10, 2011, CMS sought our Office's approval to withhold a single document pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

Determinations

CMS' request for approval of its decision to withhold the document pursuant to Section 7(1)(f) is approved.

The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

Upon review of this document, we find that it contains preliminary recommendations with regard to a particular course of action. Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, CMS has met its initial burden under Section 7(1)(f) and may withhold the document in question.

Should you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

Matthew C. Rogina
Assistant Public Access Counselor

cc: Ms. Claire Reed
K&L Gates LLP
70 West Madison Street, Suite 300
Chicago, Illinois 60602

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