



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 21, 2011

Village of Lombard
Denise R. Kalke, FOIA Officer
255 E. Wilson Ave.
Lombard, IL 60148-3926

Re: Pre-authorization request – 2010 PAC 10315

Dear Ms. Kalke:

We have reviewed a request by the Village of Lombard for pre-authorization to withhold records requested by [REDACTED] under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested complaints and various other records regarding Liberty Square Condominiums. The Village requested pre-authorization to withhold internal messages exchanged by Village officials and employees pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

Section 7(1)(f) 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.” 5 ILCS 140/7(1)(f). The Section 7(1)(f) exemption applies to “predecisional materials used by a public body in its deliberative process.” *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The exemption is “intended to protect the communications process and encourage frank and open discussion among agency employees before a decision is made.” *Id.* at 248, 799 N.E.2d at 864.

The Village’s request for pre-authorization to withhold the records pursuant to Section 7(1)(f) is **approved**. We have reviewed un-redacted copies of the records, which mostly consist of emails in which Village officials and employees exchange thoughts and ideas regarding the condominiums. Those records are pre-decisional in nature, and the Village has asserted that the records have not been publicly cited and identified by the head of the Village. Accordingly, the Village has met its initial burden of demonstrating that messages are exempt from disclosure pursuant to Section 7(1)(f).

As we discussed today, the Village has withdrawn its request to redact pp. 38-41 of the documents submitted to this office for review. Those documents were provided to the Village by [REDACTED] and therefore are not exempt from disclosure under Section 7(1)(f).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Steve Silverman
Assistant Public Access Counselor

cc:

[REDACTED]