



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 9, 2011

Kelli R. Bennewitz
City Clerk
City of Galesburg
55 W. Tompkins Street
Galesburg, Illinois 61401

Re: Pre-Authorization Request – 2010 PAC 11473

Dear Ms. Bennewitz:

Thank you for providing the additional information we requested in response to a written notice from the City of Galesburg (City) of its intention to deny disclosure of certain records as exempt under Section 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

On December 13, 2010, [REDACTED] submitted a FOIA request to the City seeking the following information:

...any and all documents relating to two and sometimes three taxi cabs operating from a single family residence zoned RIB at 142 Madison St. Galesburg, IL. Said documents to include, emails, correspondence with taxi drivers, residents at that address, Police Dept., Zoning Dept., city inspectors, code enforcement officials, city attorneys, and any citations which may have been issued in regards to this matter.

In its written notice, the City asserted that the responsive documents, with the exception of police reports, are exempt from disclosure, in part, under Section 7(1)(f) of FOIA.

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."

Determination

The City's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of specific responsive records is approved. We have reviewed the responsive documents provided by the City and have determined that they consist of draft documents and internal communications in which opinions are expressed and actions are formulated. Therefore, the City has met its initial burden of demonstrating that the specific records are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the City 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 this matter.

Sincerely, *J. O'Leary*



Jessica O'Leary
Assistant Attorney General

cc:

