



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

Lisa Madigan
ATTORNEY GENERAL

February 8, 2011

Donna Lobaito
Village Clerk
Village of Hawthorn Woods
2 Lagoon Drive
Hawthorn Woods, IL 60047

RE: Pre-Authorization Request #2011 PAC 12085

Dear Ms. Lobaito :

We have received the written notice from the Village of Hawthorn Woods (Village) of its intention to deny disclosure of certain information under subsection 7(1)(f) of the Freedom of Information Act (FOIA).

On January 20, 2011 [REDACTED] submitted a FOIA request to the Village, seeking a copy of the recapture agreement between the Village of Hawthorn Woods, Lake County and Aqua Illinois. In its written notice, the Village asserts that the requested record is still in draft form and is exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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.

Determination

The Village's use of the exemption in Section 7(1)(f) with regard to the draft agreement is approved. We have determined that the record constitutes a pre-decisional material in which opinions are expressed and are being utilized by the Village in formulating an action regarding a specific matter. Further, there is no indication that this information has been publicly cited or identified by the Village's Board. Accordingly, the Village has met its initial burden of demonstrating that the requested information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen
AL

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



12085 preauth al 71f prelim draft mun