



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 8, 2011

Sheila Chernis, CPPB  
Freedom of Information Officer  
Department of Commerce and Economic Opportunity  
500 East Monroe Street  
Springfield, Illinois 62701-1643

RE: Pre-Authorization Request - 2011 PAC 12125

Dear Ms. Chernis:

We have received and reviewed the written notice from the Department of Commerce and Economic Opportunity (Department) 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, Mr. Eric Ebers submitted a FOIA request to the Department, seeking a copy of the scoring for RFP #22018964 Business List Database and all responses from bidding vendors. In its written notice, the Department asserts that the reviewers' comments, contained in the requested evaluation forms, are being withheld from disclosure pursuant to 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." *Id.*

The Department's use of Section 7(1)(f) exemption with regard to the reviewers' comments is **approved**. We have determined that this withheld information consists of opinions and recommendations solicited and utilized by the Department in its decision-making process regarding a specific matter. Moreover, there is no indication that the withheld information has been publicly cited or identified by the Head of the Department. Accordingly, the Department has met its initial burden of demonstrating that this information is 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,



Tola Sobitan  
Assistant Public Access Counselor

cc: Eric Ebers  
InfoUSA Inc  
5711 South 86<sup>th</sup> Circle  
Omaha, NE 68127

*12125 preauth al 71fprelim draft sa*