



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 4, 2011

Velisha Haddox, FOIA Officer  
Office of the Governor  
100 W. Randolph Street, Ste. 16-100  
Chicago, IL 60601

Re: Pre-authorization request – 2011 PAC 12130

Dear Ms. Haddox:

We have received from the Office of the Governor a request for pre-authorization to redact information requested by Wendy Meltzer under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Ms. Meltzer requested records regarding Lexington Healthcare nursing home. The Governor's Office requested pre-authorization to redact certain information from email messages 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 request for pre-authorization to redact information from the records pursuant to Section 7(1)(f) is **approved**. We have reviewed un-redacted copies of the email messages, which contain preliminary drafts, opinions and recommendations. Those records are pre-decisional in nature. In addition, the Governor's Office has asserted that the redacted information has not been publicly cited or identified by the head of the public body. Accordingly, we conclude that the Governor's Office has sustained its initial burden of demonstrating that the redacted information is exempt from disclosure under Section 7(1)(f).

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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](mailto:ssilverman@atg.state.il.us).

Sincerely,

  
Steve Silverman  
Assistant Public Access Counselor

cc: Illinois Citizens for Better Care  
Wendy Meltzer  
*Via email: [wmicbc@core.com](mailto:wmicbc@core.com)*

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