



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

Lisa Madigan
ATTORNEY GENERAL

February 10, 2011

Via Electronic Mail

Tom Reuter
Illinois EPA, FOIA Officer
tom.reuter@illinois.gov

RE: Pre-Authorization Request 2011 PAC 12185

Dear Mr. Reuter :

We have received the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information under subsection 7(1)(f) of the Freedom of Information Act (FOIA).

[REDACTED] of PoloPlaz, Inc. submitted a FOIA request to the IEPA, seeking copies of a claim and all public records associated with the written non-compliance advisory filed against PoloPlaz on May 11, 2010. In its written notice, the IEPA asserts that internal email correspondence are 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 IEPA's use of the exemption in Section 7(1)(f) with regard to withheld email correspondence is approved. We have determined that the withheld emails constitute a pre-decisional material in which opinions are expressed and are being utilized by the IEPA in formulating an action regarding a specific matter. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld email correspondence are 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
ALF

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



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1 Paradise Park Rd.
Jacksonville, AR 62076

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