



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 17, 2011

Wendellyn Briggs, FOIA Officer
Town of Normal
100 Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

Re: Pre-authorization request – 2011 PAC 12260

Dear Ms. Briggs:

We have received from the Town of Normal a request for pre-authorization to withhold information requested by Jeff Lindsay under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Mr. Lindsay requested records regarding property at 8 Trader Circle, Normal, IL 61761. The Town requested pre-authorization to withhold certain records 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 “inter- and intra-agency predecisional and deliberative material.” *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 withhold the records pursuant to Section 7(1)(f) is **approved**. Those records, which consist of preliminary drafts or contain opinions, notes and recommendations exchanged by Town officials, are pre-decisional in nature. In addition, there is no indication that the information therein has been publicly cited by the head of the public body. Accordingly, we conclude that the Town has sustained its initial burden of demonstrating that those records are exempt from disclosure under Section 7(1)(f).

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.

Sincerely,

A solid black rectangular box redacting the signature of Steve Silverman.

Steve Silverman
Assistant Public Access Counselor

cc: Jeff W. Lindsay
Jennings & Lindsay, P.C.
201 E. Grove St., Ste. 110
Bloomington, IL 61701