



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 2011

Village of Lisle
Kristine Curran, FOIA Officer
925 Burlington Avenue
Lisle, IL 60532

Re: Pre-authorization request – 2011 PAC 12050

Dear Ms. Curran:

We have reviewed a request by the Village of Lisle to withhold records requested by [REDACTED] under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records regarding proposed rules of procedure for Planning and Zoning Commission public hearings. The Village requested pre-authorization to withhold various 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.

Determination

The request for pre-authorization to withhold the records pursuant to Section 7(1)(f) is **approved**. We have reviewed the records, which contain drafts, notes, opinions and recommendations regarding the proposed rules of procedure for Planning and Zoning Commission public hearings. Those records are pre-decisional in nature. In addition, Ms. Curran has asserted that the records have not been cited by the head of the public body. Accordingly, the Village has sustained its initial burden of demonstrating that the records are exempt from disclosure under Section 7(1)(f).

The Village has asserted that additional records are exempt from disclosure under Section 7(1)(m) (5 ILCS 140/7(1)(m)). Because advance approval by the Public Access Counselor is not required for the assertions of exemptions other than Section 7(1)(c) (5 ILCS 140/7(1)(c)) and Section 7(1)(f), we make no determination at this time regarding any other exemptions.

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,



Steve Silverman
Assistant Public Access Counselor

cc:

