



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Cynthia A. Flemmonds
Freedom of Information Officer
Lake County Purchasing Division
18 N. County St., 9th FL
Waukegan, IL 60085-4350

RE: Pre-Authorization Request – 2011 PAC 12112

Dear Ms. Flemmonds:

We have received and reviewed the written notice from Lake County Purchasing Division (Division) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On January 7, 2011, [REDACTED] submitted a FOIA request to the Division seeking all “information regarding Lake County bid proposal number 10109 CON Certificates of Need Consulting Services.” In its written notice, the Division asserts that internal emails regarding the evaluation of the bids and award of contract are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

On February 7, 2011, this Office sent a further inquiry letter to the Division, requesting a copy of the internal records that the Division is seeking to withhold from disclosure pursuant to Section 7(1)(f) of FOIA. On February 18, 2011, the Division provided the requested records for our review.

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 Division’s use of Section 7(1)(f) exemption with regard to the internal records is **approved**. We have determined that these emails consist of opinions and recommendations solicited and utilized by the Division in its decision-making process regarding the award of a specific contract. Moreover, there is no indication that this information has been publicly cited or identified by the

March 1, 2011

Page 2

Head of the Division. Accordingly, the Division has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(f) of FOIA.

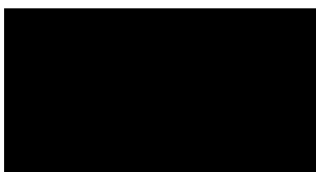
If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

A black rectangular redaction box covering the signature of Tola Sobitan.

Tola Sobitan
Assistant Public Access Counselor

cc:

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12112 pre-auth at 71fprelim county