



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 28, 2011

Ms. Lisa Leonteos
Freedom of Information Act Officer
Village of Wheeling
lleonteos@wheelingil.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 12421

Dear Ms. Leonteos:

We have received and reviewed the written notice from the Village of Wheeling of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on January 24, 2011, [REDACTED] submitted a FOIA request to the Village seeking information related to the Village's red-light camera enforcement system.

On February 15, 2011, the Village submitted a Notice of Intent to Deny with this Office explaining that certain documents sought by Mr. Dorman are exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." The Village supplemented its Notice of Intent to Deny with the documents that it seeks to withhold pursuant to Section 7(1)(f) on February 25, 2011.

Determinations

The Village's request for approval of its decision to withhold the information pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

This Office has reviewed the responsive e-mails and an internal memorandum supplied to us by the Village. It is our conclusion that they consist of opinions and recommendations about a particular course of action with regard to the red-light camera system. Accordingly, these documents properly fall within the scope of Section 7(1)(f) and may be withheld from disclosure.

Additionally, there is no evidence that these documents have been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, the Village has met its initial burden demonstrating that the e-mails and memorandum are exempt under Section 7(1)(f) and may withhold the documents in question.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



12421 pre-auth at 7(1)(f) prelim mun