



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

Lisa Madigan
ATTORNEY GENERAL

March 8, 2011

Ms. Lola Dada-Olley
Associate General Counsel/FOIA Officer
Office of the Governor
JRTC, 100 W. Randolph St.
Suite 16-100
Chicago, IL 60601

RE: FOIA Pre-approval Request – 2010 PAC 7721

Dear Ms. Dada-Olley:

We have received from the Office of the Governor a written notice of its intention to assert the Section 7(1)(c) and Section 7(1)(f) FOIA exemptions (5 ILCS 140/7(1)(c), (f)) in response to a Freedom of Information Act (FOIA) request from Mr. Dave McKinney of the Chicago Sun-Times. The request sought:

E-mail or any other correspondence that either former Deputy Gov. Louanner Peters or former Chief of Staff John Harris had since January 1, 2007 with any state employee or other entity relating to the following programs or phrases: Let's Talk/Let's Test Foundation; Working for Togetherness; Black Nurses Association; Black Nurse's Association; Black Nurses' Association; Brothers and Sisters United Against HIV/AIDS; BASUAH; African American HIV/AIDS Response Act; faith-based initiatives; cervical cancer; breast cancer; pandemic flu; emergency preparedness; Broadcast Ministers Alliance; Broadcast Ministers' Alliance; Broadcast Minister's Alliance; V.I.P.; or VIP.

In addition to its assertion of Section 7(1)(c) and Section 7(1)(f) with respect to certain responsive records, the OOG has also indicated that it has either furnished a copy of, or otherwise made available, the remaining responsive documents to the Requestor.

Section 7(1)(c) of the Freedom of Information Act permits a public body to withhold "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further defines an "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." It also provides that "[t]he disclosure of

information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.”

Section 7(1)(f) of the Freedom of Information Act allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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).

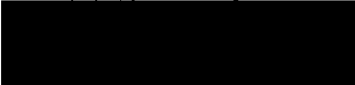
Determinations

The OOG seeks to withhold two separate excerpts from responsive e-mail chains, pursuant to Section 7(1)(c). The first one sentence excerpt referenced a medical condition of the deceased spouse of a State public official. The second referenced a medical condition of an OOG employee. We have determined that the OOG has met its initial burden of demonstrating that this information is properly exempt under Section 7(1)(c).

The OOG also seeks to withhold seven separate e-mail chains, pursuant to Section 7(1)(f). Based on our review, these e-mails appear to fall within the scope of the Section 7(1)(f) exemption, because they consist of discussions concerning the formulation of OOG policy concerning particular matters. Further, there is no evidence to suggest that this record has been publicly cited and identified by the head of the public body. Accordingly, the OOG has met its initial burden of demonstrating that these records are exempt from disclosure under Section 7(1)(f).

This letter will serve to close this file. If you have any questions, please feel free to contact me at (217) 782-9078.

Sincerely,


Matthew M. Sebek
Assistant Public Access Counselor

cc: Mr. Dave McKinney
Chicago Sun-Times
Springfield Bureau Chief
Via e-mail to dmckinney@suntimes.com

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