



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

Lisa Madigan
ATTORNEY GENERAL

February 28, 2011

Ms. Lisa Weitekamp
Freedom of Information Act Officer
Illinois Department of Corrections
LISA.WEITEKAMP@doc.illinois.gov

RE: Pre - Authorization Request - 2010-PAG-9055

Dear Ms. Weitekamp:

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

Specifically, on July 27, 2010, [REDACTED] submitted an eight-part FOIA request to IDOC seeking documentation related to the counseling he received at Lawrence Correctional Center. On August 12, 2010, IDOC sought our Office's approval to withhold a portion of [REDACTED] request pursuant Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The exemption defines "[u]nwarranted 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."

Specifically, IDOC seeks to withhold copies of [REDACTED] cumulative counseling summary from August 2008 through August 2010. On October 6, 2010, IDOC provided this Office with a representative sample of the cumulative counseling summary records that it seeks to withhold pursuant to Section 7(1)(c).

On January 31, 2011, IDOC submitted a second Pre-Authorization request to this Office and sought to withhold the counseling reports pursuant to Section 7(1)(f). In that Pre-Authorization request, IDOC stated that the summaries are "notes written by staff concerning a specific inmate in which opinions are expressed and actions are formulated."

Determinations


IDOC's request for approval of its decision to withhold the cumulative counseling summary 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).

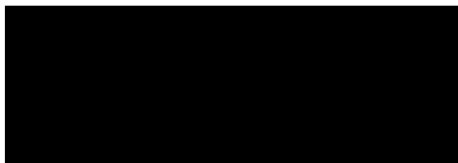
This Office has reviewed the reports supplied to us by IDOC and it is our conclusion that the reports contain opinions and recommendations by a counselor about a specific inmate. Additionally, there is no evidence that the reports have been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, IDOC has met its initial burden and may withhold the reports pursuant to Section 7(1)(f). Should 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:



9055 pre-auth at 7(1)(f) prelim sa