



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 7, 2011

Ms. Heather Bennett
Freedom of Information Act Officer
Round Lake Area Schools Community Unit School District #116
Education Service Center
801 Sunset Drive
Round Lake, Illinois 60073

RE: Pre-Authorization Request - 2011 PAC 12249

Dear Ms. Bennett:

We have reviewed the written notice from the Round Lake Area Schools Community Unit School District #116 (District) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On January 25, 2011, John Amrein, on behalf of The Education Association of Round Lake, sought copies of "all notes and Memorandum of Understanding, including drafts created by Dr. Tenbusch from any meeting where business with the association was discussed between August 1, 2009 and October 31, 2009."

In its January 31, 2011 Notice of Intent to Deny, the District asserted that a draft document and several e-mails in response to that draft are exempt from disclosure pursuant to Section 7(1)(f) of FOIA, which exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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 District supplied this Office with a copy of the documents that it seeks to exempt under Section 7(1)(f).

Determination

The District'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).

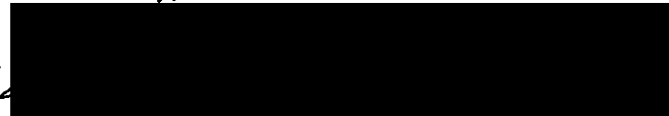
This Office has reviewed the records that the District seeks to withhold and we have concluded that they consist of a preliminary draft together with e-mails that contain recommendations and opinions about that draft.

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).

Accordingly, we find that the District has met its initial burden under Section 7(1)(f) and may withhold the documents.

If you have any questions, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covers the signature area.

Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. John Amrein
Secretary, The Education Association of Round Lake
1048 Nippersink Rd.
Round Lake, IL 60073

12249 pre-auth at 7(1)(f) prelim sd