



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

January 14, 2019

VIA ELECTRONIC MAIL  
Mr. Matthew Hardin  
Energy Police Advocates  
MatthewDHardin@gmail.com

RE: Freedom of Information Act Request  
2018 FOIA 056258

Dear Mr. Hardin:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1- *et seq.* (West 2016)).

In a facsimile received on December 28, 2018, you requested the following:

[(1)] [A]ll electronic or hard-copy correspondence as described below and *its accompanying information, including also any attachments:*

- a) sent to or from (including also copying, whether as cc: or bcc:)  
\* \* \* **Matthew Dunn, and/or Jason James**, which *also*
- b) contain *any* of the following, anywhere in the correspondence of which it is a part, whether in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body or body of the thread or in any attachment thereto: i) @Googlegroups.com, ii) "Google doc" (including also in "Google Docs"[]), iii) Dropbox, iv) box.com (including as used in any url containing box.com), and/or v) SharePoint.

These terms are not case sensitive.

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Record responsive to this request will be dated from **July 1, 2018** through the date you process this request. We request the entire thread in which any email responsive to the above description appears regardless if portion of the thread (s) pre-date **2018**. (Bold, italics, and underscore in original.)

RESPONSE: Pursuant to section 3(e)(v) of FOIA (5 ILCS 140/3(e)(v) (West 2016)), we extended the time to respond to this portion of your request by five business days on January 7, 2019, because the records required further examination to determine if they were exempt from disclosure or should be released with appropriate redactions. This office has now completed its review.

This portion of your request is denied pursuant to section 7(1)(f) of FOIA. 5 ILCS 140/7(1)(f) (West 2017 Supp.). Section 7(1)(f) of FOIA exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated[.]" "Courts have extended section 7(1)(f) to communications *between government agencies* \* \* \* whose analyses and recommendations 'played essentially the same part in an agency's process of deliberation as documents prepared by agency personnel might have done.'" (Emphasis added.) Ill. Att'y Gen. PAC Req. Rev. Ltr. 19002, issued May 23, 2012, citing *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (2003), quoting *Department of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 10, 121 S. Ct. 1060, 1067 (2001). The records that we have determined are exempt under this section consist of internal e-mail communications of this office and e-mail communications with other government agencies that were written for the purpose of planning courses of action with regard to legal and legislative matters. These records are predecisional. They are exempt under the rationale that public bodies must be able to evaluate information internally, as well as with other government agencies that may be similarly affected by the information, to explore possible courses of action confidentially before making final determinations that should be shared with the public. See Ill. Att'y Gen. PAC Req. Rev. Ltr. 19002, issued May 23, 2012; *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (2003) ("as a matter of public policy, section 7(1)(f) exempts from disclosure predecisional materials used by a public body in its deliberative process"). Accordingly, the records responsive to this portion of your request are exempt from disclosure under section 7(1)(f).

You have a right to have the denial of this portion of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a) (West 2016). You may file your request for review with the PAC by writing to:

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Sarah Pratt  
Public Access Counselor  
Office of the Illinois Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: (217) 782-1396  
publicaccess@atg.state.il.us

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a) (West 2016). Please note that you must include a copy of your original FOIA request and of this denial letter when filing a request for review with the PAC.

You also have the right to judicial review of your denial by filing suit in the appropriate Illinois court. 5 ILCS 140/11 (West 2016).

In your facsimile received on December 28, 2018, you also requested the following:

[(2)] [A]ll electronic or hard-copy correspondence as described below and *its accompanying information, including also any attachments*:

- a) sent to or from (including also copying, whether as cc: or bcc:) **James Gignac \* \* \***, which *also*
- b) contain *any* of the following, anywhere in the correspondence of which it is a part, whether in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body or body of the thread or in any attachment thereto: i) @Googlegroups.com, ii) "Google doc" (including also in "Google Docs"[]), iii) Dropbox, iv) box.com (including as used in any url containing box.com), and/or v) SharePoint.

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RESPONSE: On January 7, 2019, we advised you that this office had conducted a search of its records, and we located no records responsive to this portion of your request.

Very truly yours,

A handwritten signature in black ink that reads "Caitlin Q. Knutte (s) (u)". The signature is written in a cursive style.

CAITLIN Q. KNUTTE  
Assistant Attorney General  
Senior FOIA Officer

CQK:ga