



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 1, 2011

Via Electronic Mail
Ms. Maria Castaneda
Chicago Park District
Freedom of Information Act Officer
Maria Castaneda @ChicagoParkDistrict.com

RE: FOIA Pre-Authorization Request - 2011 PAC 14397

Dear Ms. Castaneda:

We have received and reviewed the written notice from the Chicago Park District (District) of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, on May 10, 2011, Mr. Douglas Freyman submitted a FOIA request to the District seeking all copies of information relating to a proposed park and development at 16th Street and Wabash Avenue. On May 25, 2011, the District submitted its written notice to this Office seeking to withhold preliminary memoranda from disclosure pursuant to section 7(1)(f).

Section 7(1)(f) of FOIA exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records 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."

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. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003). "[T]he deliberative process privilege protects pre-decisional, deliberative communications that are part of an agency's decision-making process." *Parmelee v. Camparone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998).

We have reviewed the record furnished to us by the District and conclude that the District has met its initial burden of demonstrating that the preliminary memoranda contain

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opinions and recommendations and are exempt under section 7(1)(f). They also do not appear to have been identified by the Chicago Park District President or the Mayor of the City of Chicago.

The District's use of the exemption in section 7(1)(f) to withhold the memoranda is therefore **approved**.

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

Very truly yours,

A large black rectangular redaction box covering the signature of Matthew C. Rogina.

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc: Mr. Douglas Freyman
South Loop Park Action Cooperative
dfreyman@mac.com

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