



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 14, 2011

Ms. Stacy White  
FOIA Officer  
Metropolitan Pier and Exposition Authority  
301 East Cermak Road  
Chicago, Illinois 60616

RE: FOIA Pre-Authorization Request - 2011 PAC 14456

Dear Ms. White:

We have received and reviewed the written notice from the Metropolitan Pier and Exposition Authority (Authority) of its intention to deny disclosure of certain information under 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).

On May 11, 2011, [REDACTED] submitted a FOIA request to the Authority seeking records involving Hyatt's use of certain spaces or sections in McCormick Place. On May 27, 2011, the Authority submitted written notice to this office seeking to withhold a draft of the "Hyatt/McCormick Place Scheduling Policy and Procedure S100-106" agreement 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 (1<sup>st</sup> 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).

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Based on our review of the Authority's request and a copy of the draft agreement, we conclude that the Authority has met its initial burden of demonstrating that the agreement is exempt from disclosure under section 7(1)(f). Because it remains in draft form and has not been finalized, the agreement may be characterized as preliminary and properly falls within the provisions of section 7(1)(f). Moreover, the agreement has not been publicly cited or identified by the head of the Authority. Thus, the Authority's use of the exemption in section 7(1)(f) to withhold the draft agreement is **approved**.

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

Very truly yours,

*Sara Gadola Gallagher*  
SARA GADOLA GALLAGHER  
Assistant Attorney General  
Public Access Bureau

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cc:

