



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 21, 2011

Ms. Bridgett R. Bevan
Freedom of Information Officer
Chicago Transit Authority
567 West Lake Street
Chicago, Illinois 60661

RE: FOIA Preauthorization Request – 2011 PAC 14794

Dear Ms. Bevan:

We have received and reviewed the written notice from the Chicago Transit Authority (CTA) of its intention to deny disclosure of certain information requested by Mr. Hector Perez of Rocket Productions, Inc., 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 3, 2011, Mr. Perez requested all information relating to Disadvantaged Business Enterprise (DBE) participation for contract number B09OP01769. The CTA seeks preauthorization to withhold a responsive document under section 7(1)(f) of FOIA.

Section 7(1)(f) exempts from disclosure, "[p]reliminary 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."

DETERMINATION

CTA's use of the exemption in section 7(1)(f) to withhold the document in question is **approved**. The document that CTA seeks preauthorization to withhold contains opinions that CTA is using to formulate actions with respect to DBE participation in contract number B09OP01769. Therefore, it is a predecisional document that is exempt from disclosure pursuant to the section 7(1)(f). *See Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003).

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If you have any questions, please contact me at 312-814-2770. This correspondence will serve to close the matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of John Schmidt.

JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

14794 pre-auth al 71f prelim draft mun

cc: Mr. Hector Perez
Rocket Productions
800 South Wells St.
Suite 521
Chicago, Illinois 60607