



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 25, 2011

Ms. Brigett R. Bevan
Freedom of Information Officer
Chicago Transit Authority
567 West Lake Street
Chicago, Illinois 60661-1498

RE: FOIA Pre-Authorization Request – 2011 PAC 15551

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 as exempt under section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)). On June 29, 2011, Mr. Bob Herguth of the Better Government Association submitted a FOIA request to CTA seeking all documents pertaining to the creation of the Voluntary Termination Program approved by the Chicago Transit Board in 2008. CTA asserts that certain of the responsive records are exempt from disclosure under section 7(1)(f) of FOIA.

Section 7(1)(f) of FOIA exempts from inspection and copying "[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) with regard to these records is **approved**. Based on CTA's explanation and our review of the withheld records, we agree that these records constitute preliminary drafts and documents used in CTA's deliberations prior to determining its course of action. CTA has asserted that none of these records has been publicly cited or identified by the head of CTA. Therefore, we find that CTA has sustained its initial burden of demonstrating that these documents are exempt under section 7(1)(f).

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If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

15551 preauth al 71f prelim draft mun

cc: Mr. Bob Herguth
Better Government Association
223 West Jackson Boulevard, Suite 620
Chicago, Illinois 60606