



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 4, 2011

Ms. Pamela Cotten
Assistant General Counsel
Chicago Housing Authority
60 East Van Buren Street, 12th Floor
Chicago, Illinois 60605

RE: FOIA Pre-Authorization Request - 2011 PAC 14862

Dear Ms. Cotten:

We have reviewed the written notice from the Chicago Housing Authority (CHA) 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 2010)).

On June 1, 2011, Ms. Karen Sheley of the Roger Baldwin Foundation of ACLU, Inc., submitted a FOIA request to CHA that included four numbered requests for documents relating to drug testing of CHA applicants and residents. CHA proposes to withhold a single document that is responsive to Ms. Sheley's request number one, which seeks "[a]ll records which support CHA's reasons for implementing the drug testing policy in the proposed 2011 ACOP [Admissions and Continued Occupancy Policy]."

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

We conclude that CHA has sustained its initial burden of demonstrating that the document in question is exempt from disclosure under section 7(1)(f). Based on our review, we find that this is a pre-decisional document pertaining to the formulation of CHA policy. CHA

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states that this document remains under review and that the proposed policy has not been finalized or approved by the Board of Commissioners. CHA also asserts that this document has never been publicly cited or identified by the head of the public body.

Accordingly, CHA may issue a partial denial letter and release the non-exempt records, if it has not already done so. 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

SK:jh

14862 preauth al 71f prelim draft mun

cc: Ms. Karen Sheley
Roger Baldwin Foundation of ACLU, Inc.
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Chicago, Illinois 60601-1287