



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

March 14, 2011

Mr. Matt Smith
Freedom of Information Act Officer
City of Chicago Department of Streets and Sanitation
matt.smith@cityofchicago.org

RE: FOIA Pre-Authorization Request 2011 PAC 12734

Dear Mr. Smith:

We have received and reviewed the written notice from the City of Chicago Department of Streets and Sanitation (City) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on February 8, 2011, Ms. Jen Schanz, on behalf of the DePaul Documentary Project, submitted a FOIA request to the City seeking communications between the Mayor's Office, the Mayor's Chief of Staff, and the Department of Streets and Sanitation from the Monday, January 31 through Friday, February 4, 2011 with regard to:

- Snow removal
- Equipment requests
- Street salting
- Street cleaning
- Snow/winter weather references

On March 1, 2011, the City submitted a Notice of Intent to Deny to this Office explaining that a number of these communications are exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." On March 9, 2011, the City supplemented its Notice of Intent to Deny with a representative sample of the emails and draft documents that it seeks to withhold.

Determinations

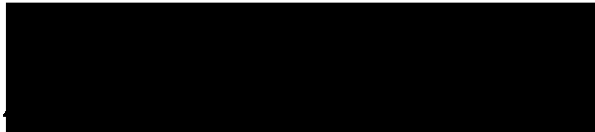
The City's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved in part and denied in part. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

Our review of the correspondence between City personnel indicates that the documents in question contain opinions and recommendations about a possible course of action with regard to the City's preparation and responses concerning the February 1 and 2, 2011 snowstorm. The documents also consist of drafts of several press releases generated before and after the snowstorm and comments by City personnel in response to those drafts. Finalized versions of these press releases must be supplied to Ms. Schanz

Also contained in these documents are certain correspondence between the City and various media organizations. Any correspondence between the City and these media organizations with regard to the City's preparation and response to the storm do not fall within the scope of Section 7(1)(f) and must be supplied to Ms. Schanz

In summary, the City has met its initial burden that the emails and drafts are exempt from disclosure pursuant to Section 7(1)(f). The City must supply, however, Ms. Schanz with the documents specified above (correspondence between the City and media organizations and finalized versions of press releases). Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Ms. Jennifer Hoyle
Director of Public Affairs, City of Chicago
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Ms. Jenn Schanz
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