OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 25, 2010

Audrey Maclennan
Secretary of the Authority/FOIA Officer
Regional Transportation Authority
175 W. Jackson Street, Suite 1550
Chicago, Illinois 60604

RE: FOIA Pre-Authorization Request – 2010 PAC 8058

Dear Ms. Maclennan:

We have received and reviewed the written notice from the Regional Transportation Authority (RTA) 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 June 1, 2010 Charles Paidock submitted a FOIA request to RTA seeking a study conducted by the University of Illinois at Chicago on the Seniors Ride Free and People with Disabilities Ride Free program. On June 15, 2010, RTA sent a partial denial letter to Mr. Paidock explaining that an RTA commissioned study that was done by UIC that will help administer the programs is a draft document that is exempt from disclosure pursuant to Section 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." 5 ILCS 140 7(1)(f).

In its June 15, pre-authorization request to our Office, RTA supplied us with a copy of the draft. In its letter to our Office, RTA states that while some draft findings of the study were presented by UIC representatives at an October 5, 2009 RTA Board of Directors meeting, the draft is still preliminary and not considered to be a final product. Copies of the draft findings that were presented to the Board at this meeting were provided to Mr. Paidock.

Determinations

RTA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. The study itself is a preliminary document that represents a possible course of action RTA may take regarding the programs and is not intended to be a final product.

Based on this analysis, RTA has met its burden under Section 7(1)(f) and may withhold the draft study.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [redacted]

Matthew C. Rogina
Assistant Public Access Counselor

cc: Charles Paidock
Citizens Taking Action
3211 S. Union Avenue
Chicago, Illinois 60616