



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

Lisa Madigan
ATTORNEY GENERAL

July 23, 2010

George Khoury
Freedom of Information Officer
Illinois Department of Transportation
201 West Center Court
Schaumburg, Illinois 60196-1096

Re: Pre-Authorization Request 2010 PAC 8528

Dear Mr. Khoury:

We have received and reviewed the written notice from the Illinois Department of Transportation (IDOT) of its intent to deny disclosure of certain records as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

[REDACTED] submitted a FOIA request on June 23, 2010 seeking, in part, "[a]ll drafts or final reports prepared by IDOT's consultants or subconsultants as part of their work on the Phase I Study of Willow Road."

In its written notice, IDOT asserts that drafts of final reports prepared by IDOT's consultants are exempt under Section 7(1)(f) of FOIA as they are "...part of IDOT's deliberative process" and "...will eventually be released to the public as a final draft."

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[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 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).

Determination

The IDOT's proposed use of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of drafts of final reports relating to the Phase I Study of Willow Road is approved. IDOT advises that the preliminary drafts it seeks to deny disclosure of "...are in rough form, subject to change, and are not intended for release until they are reviewed by IDOT's personnel." Thus, these documents are considered exempt from disclosure under Section 7(1)(f) of FOIA.


Accordingly, IDOT may issue a partial denial letter and release the requested documents with the preliminary drafts withheld.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 


Jessica O'Leary
Assistant Attorney General

cc: 