



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

Lisa Madigan
ATTORNEY GENERAL

September 7, 2010

Ms. Mary Thompson
City of Chicago Office of Emergency Management and Communication
121 North LaSalle Street
City Hall, Room 604
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request – 2010 PAC 9279

Dear Ms. Thompson:

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

On August 9, 2010, [REDACTED] submitted a FOIA request seeking a list of the Information Technology (IT) positions to be included in the newly consolidated "City Public Safety Technology function." Specifically, [REDACTED] seeks: (1) a descriptive job title or descriptive position title, (2) the level of position (I, II, III, Senior, Principal, Chief,), (3) the number of budgeted positions, and (4) the actual safety-related department or division the position is allocated to (fire, police, health or other department division).

On August 20, 2010, the City sent a pre-authorization request to this Office asserting that the information requested by [REDACTED] 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 letter, the City explained that any information regarding "potential consolidations" are preliminary in nature and fall within the scope of Section 7(1)(f).

Determinations

The City's request for approval of its decision to withhold the information relating to the Public Safety Technology function consolidation pursuant to Section 7(1)(f) is approved. The City's letter also explains that any "potential consolidations or budgeted positions for 2011 are 'preliminary drafts, notes, recommendations, memoranda and other records in which opinions or [sic] expressed, or policies or actions are formulated.'" On August 31, 2010, the City informed a representative of this Office that the Public Safety Technology function is a proposed consolidation and is being considered for the 2011 budget, which has not been finalized and is subject to revision.

Moreover, there is no evidence that this information was cited or identified by the head of the public body.


Therefore, it is our determination that the City has met its burden under Section 7(1)(f) and may withhold any information relating to the proposed Public Safety Technology function.

Should you have any questions or concerns, please feel free to contact me at (312) 814- 5383.

Sincerely,

Cara Smith
Public Access Counselor

By:



Matthew C. Rogina
Assistant Public Access Counselor

cc: K

