



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 17, 2011

Mr. Roman Gold  
Freedom of Information Act Officer  
Metra  
rgold@metrarr.com

RE: FOIA Pre-Authorization Request - 2010.PAC.8391

Dear Mr. Gold:

We have received and reviewed the written notice from Metra 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 140/7 *et seq.*, as amended.

Specifically, on June 23, 2010, [REDACTED] submitted a FOIA request to Metra seeking information relating to the Metra stop at 35<sup>th</sup> Street, "including all planning documents and records related to costs."

On July 9, 2010, Metra submitted a Notice of Intent to Deny to this Office explaining that certain documents 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." Metra supplemented its Notice of Intent to Deny with a representative sample of the documents that it seeks to withhold.

**Determinations**

Metra's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. 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 (1<sup>st</sup> Dist. 1987).

Our review of the documents supplied to us by Metra indicates that they consist of preliminary drafts and opinions by Metra with regard to the stop at 35<sup>th</sup> Street.

Any responsive documents, however, that were in draft format that have been finalized subsequent to Metra's submission of its Notice of Intent to Deny must be submitted to [REDACTED]

In summary, Metra has met its initial burden in demonstrating that the documents are exempt from disclosure pursuant to Section 7(1)(f). 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,

[REDACTED]

Matthew C. Rogina  
Assistant Public Access Counselor

Cc: [REDACTED]

*8391 pre-auth al prelim ra*