

Acosta, Andres

From: Gallagher, Sara Gadola
Sent: Friday, August 27, 2010 11:24 AM
To: 'Roman Gold'
Cc: 'ilsenate29@sbcglobal.net'
Subject: 2010 PAC 9068 -- Pre-Authorization Request/7(1)(f)

August 27, 2010

Mr. Roman Gold
FOIA Officer
Metra
rgold@metrarr.com

Re: 2010 PAC 9068 – Pre-Authorization Request
Requester: Sen. Susan Garrett

Dear Mr. Gold,

We have received and reviewed the written notice from Metra of its intent to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/7(1)(f). This matter involves a FOIA request submitted by Sen. Susan Garrett for records related to ownership of and advertising and concessions at the Ogilvie Transportation Center. Metra has asserted that some draft versions of certain advertising and leasing agreements are exempt from disclosure under Section 7(1)(f).

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.”

Determination

Metra’s use of the Section 7(1)(f) exemption with respect to the documents in question is **approved**. According to Metra, the documents are preliminary in nature and contain notes and editing recommendations from employees. Metra confirmed in a telephone conversation that the final versions of these documents have been released to Sen. Garrett. There is also no evidence that any of these documents has been publicly cited and identified by Metra’s chairman. Thus, the documents in question are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, Metra should release a partial final denial letter to Sen. Garrett. Should you have questions or concerns, please feel free to contact me. This correspondence shall serve to close this matter.

Very truly yours,

Sara Gadola Gallagher
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