



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

Lisa Madigan
ATTORNEY GENERAL

October 18, 2010

Mr. Roman Gold
Metra
547 W. Jackson
Chicago, Illinois 60604

RE: Pre-Authorization Request – 2010 PAC 9661
FOIA Requestor: Lenore Zajdel

Dear Mr. Gold:

We have received and reviewed the written notice from Metra of its intention to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

Metra's written notice relates to a FOIA request submitted on September 1, 2010, by [REDACTED] for:

[A]ny and all records pertaining to the hiring of [REDACTED] and individuals from these firms as contractors for Metra, including but not limited to: contracts, proposals, resumes, recommendations, requests for proposals, requests for disclosures of potential conflicts of interest, Board meeting minutes, memos, reports, correspondence, emails, and discussion of the decision-making to hire these firms.

In its written notice, Metra asserts that certain documents contained within the requested records have been withheld from disclosure under Section 7(1)(f) of FOIA.

Determination

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. Our office has determined that the withheld documents are pre-decisional draft documents. Further, Metra has

indicated that these documents have not been publicly cited by the head of Metra. Accordingly, Metra has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact the undersigned at (217) 782-9078. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



By: Matthew M. Sebek
Assistant Public Access Counselor

cc:



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