



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 20, 2011

Ms. Brigett R. Bevan  
Freedom of Information Officer  
Chicago Transit Authority  
567 W. Lake Street  
Chicago, IL 60661

Re: Pre-Authorization Request – 2011 PAC 13432  
FOIA Requester: Mr. Jon Hilkevitch – Chicago Tribune

Dear Ms. Bevan:

We have received and reviewed the written notice from the Chicago Transit Authority (CTA) of its intention to deny disclosure of certain information contained in requested documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On August 2, 2010, Mr. Jon Hilkevitch of the Chicago Tribune submitted a FOIA request to the CTA seeking "documents related to the CTA testing of the 5000 Series prototype rail cars."

On April 7, 2011, CTA sought this office's approval to use the 7(1)(f) exemption to withhold certain documents contained within the responsive records. CTA asserts that these documents – written communications between CTA and the railcar manufacturer – "include recommendations and opinions regarding components during testing or suggested modifications to the railcars." In its written notice, CTA asserts that the responsive documents are protected 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 or actions 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."

CTA's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review of the information provided, our office agrees that the withheld records are ones in which opinions were expressed and policies and actions were formulated. Further, CTA asserts that the withheld records have not been publicly cited by the head of CTA. Accordingly, CTA has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

13432 preauth at 71f prelim reg auth

Sincerely,



Rebecca Riddick  
Assistant Public Access Counselor

cc: Mr. Jon Hilkevitch  
Chicago Tribune  
435 N. Michigan Ave., 4<sup>th</sup> Floor  
Chicago, IL 60611