



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

Lisa Madigan
ATTORNEY GENERAL

April 20, 2011

Ms. Maria Wanamaker
Freedom of Information Act Officer
Chicago Department of Aviation
maria.wanamaker@cityofchicago.org

RE: FOIA Pre-Authorization Request – 2011 PAC 13505

Dear Ms. Wanamaker:

We have received and reviewed the written notice from the Chicago Department of Aviation (CDA) 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 140/1 *et seq.*, as amended.

Specifically, on March 28, 2011 Mr. Richard Devine, on behalf of the law firm Meckler, Bulger, Tilson, Marick and Pearson LLP, submitted a FOIA request to the CDA seeking copies of documents related to the concession contracts the CDA has entered into with Westfield Concessions Management.

On April 11, 2011, the CDA submitted a Pre-Authorization Request with this Office explaining that several draft documents relating to concession contracts 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." Specifically, the CDA seeks to withhold draft documents that are responsive to Mr. Devine's request.

Determinations

The CDA's request for approval of its decision to withhold the memoranda pursuant to Section 7(1)(f) is approved. This Office has reviewed the drafts by the CDA and determined that they are clearly draft documents and according to the CDA are presently subject to revision. As such, these documents properly fall within the scope of Section 7(1)(f).

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the CDA. 5 ILCS 140/7(1)(f).

Based on this analysis, the CDA has met its initial burden under Section 7(1)(f) and may withhold the draft documents in question. CDA must, however, disclose all documents to Mr. Devine upon finalization.

Should you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Richard A. Devine
Meckler, Bulger, Tilson, Marick and Pearson LLP
Richard.devine@mbtlaw.com

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