



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 25, 2011

Metropolitan Pier and Exposition Authority  
Ms. Stacey White  
FOIA Officer  
Via electronic mail  
mpea-foia@mpea.com

RE: FOIA Pre-approval Request – 2011 PAC 13677

Dear Ms. White:

On April 20, 2011, we received from the Metropolitan Pier and Exposition Authority (MPEA) a written request for approval of its intent to assert the Section 7(1)(f) exemption to deny in part a March 30, 2011 Freedom of Information Act (FOIA) request from [REDACTED] with Chicago Magazine.

[REDACTED] request sought various documents, including “any and all reports/recommendations prepared for MPEA by URS Corp. related to real estate and air rights owned by MPEA.” In response to that portion of [REDACTED] request, MPEA has asserted that it possesses a document entitled “A Competitive 2020 Strategy for McCormick Place.” MPEA has asserted that document is exempt from disclosure under Section 7(1)(f) as “a preliminary draft and recommendation in which opinions are expressed or policies or actions are formulated which has not been publicly cited or identified by the head of MPEA.”

Section 7(1)(f) of the Freedom of Information Act allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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. 5 ILCS 140/7(1)(f).

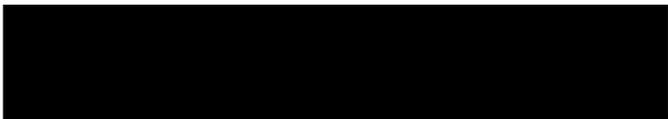
Based on our review of the record in question, we have determined that the MPEA’s request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of 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). Section 7(1)(f) also exempts from disclosure documents produced by outside consulting firms hired to advise public bodies on a particular course of

action. *Harwood v. McDonough*, 344 Ill.App.3d 242, 248 (1<sup>st</sup> Dist. 2003). The Court in *Harwood* ruled that “as a matter of public policy, section 7(1)(f) exempts from disclosure predecisional materials used by a public body in its deliberative process.” *Id.* at 247.

Our Office has reviewed the documents supplied to us by the MPEA and we have concluded that the documents contain preliminary recommendations for long-term planning and development and 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 public body. 5 ILCS 140/7(1)(f). Based on this analysis, the MPEA has met its initial burden under Section 7(1)(f) to withhold the document in question.

Our review of this matter is limited to the application of the Section 7 7(1)(f) exemption to the specified record. This letter is not intended to address any other assertions or exemptions raised by the MPEA with regard to responsive records.

If you have any questions, please feel free to contact me at 217-785-7438.



Amanda M. Lundeen  
Assistant Public Access Counselor

cc:

