



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 29, 2010

Ms. Yolanda Gardner
Freedom of Information Act Officer
City of Chicago Department of Information and Technology
50 W. Washington, Suite 2700
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request-2010-PAC10825

Dear Ms. Gardner:

We have received and reviewed the written notice from the City of Chicago Department of Information and Technology (City) 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 November 2, 2010, [REDACTED] submitted a FOIA request to the City seeking a copy of all records relating to [REDACTED] employment and dismissal with the City.

On November 17, 2010, the City sought our Office's approval to withhold a portion of documents 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."

Determinations

The City's request for approval of its decision to withhold the documents 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 (1st Dist. 1987). Our Office has reviewed the documents and we have

concluded that they are preliminary drafts generated by the City and accordingly 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 City has met its initial burden under Section 7(1)(f) and may withhold the documents in question.

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

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

cc: 


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