



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

Maria P. Velasco
Freedom of Information Officer
City of Chicago Department of Transportation
30 N. LaSalle Street, Ste. 1100
Chicago, Illinois 60602-2570

RE: Pre-Authorization Request – 2010 PAC 11126

Dear Ms. Velasco:

We have received and reviewed the written notice from the City of Chicago Department of Transportation (DOT) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On November 8, 2010, [REDACTED] submitted a FOIA request to DOT for a copy of the "most recently submitted Traffic Impact Study for the proposed planned redevelopment of the Lincoln Park Hospital." In its written notice, DOT asserts that the requested record is still in preliminary draft form and thus, is exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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."

DOT's use of Section 7(1)(f) exemption with regard to the requested record is **approved**. We have determined that the record at issue is a preliminary draft document containing opinions and recommendations which are being utilized by DOT in its decision-making process regarding a specific matter. Moreover, DOT has indicated that this document has not been publicly cited by the DOT's Commissioner. Accordingly, DOT has met its initial burden of demonstrating that the requested record is exempt from disclosure under Section 7(1)(f) of FOIA.

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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Sobitan
Assistant Public Access Counselor

cc:



11126 preauth al 71f prelim draft reg auth