



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

Ms. Anna M. Strange
Assistant Corporation Counsel
City of Chicago Department of Law
33 N. LaSalle Street, 2nd Floor
Chicago, IL 60602

Re: Pre-Authorization Request – 2011 PAC 11810
FOIA Requester: Ms. Delecianna Winders – People for the Ethical Treatment of Animals
Foundation

Dear Ms. Strange:

We have received and reviewed the written notice from the City of Chicago (City) of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On November 26, 2010, Ms. Delecianna Winders of the People for the Ethical Treatment of Animals Foundation (PETA) submitted a FOIA request to the following City departments: Office of the Mayor, Animal Care and Control, Department of Law, and Chicago Police Department. The request asked for records created between January 1, 2010, and the date on which the request was processed relating to Feld Entertainment, which does business as the "Ringling Brothers and Barnum & Bailey Circus." The documents requested included:

- Records relating to any inspections
- Records relating to any investigations
- Records regarding any enforcement actions contemplated and/or taken
- Reports from outside consultants
- Correspondence
- Veterinary records
- E-mails, and any other forms of written or recorded communications, including internal agency staff memoranda
- Videos
- Photographs

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- Complaints
- Notes and summaries of conversations and interviews
- Permits and licenses
- Permit and license applications
- Memoranda

In its written notice, the City asserts that twenty email exchanges contained within the requested records are documents in which policies were formulated and have been withheld 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 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.”

The City’s use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review, our office has determined that the withheld documents are ones in which policies were formulated and contain opinions. Further, the City has indicated that these documents have not been publicly cited by the Mayor of Chicago. Accordingly, the City has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact me at (312)814-8413. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 
Rebecca Riddick
Assistant Public Access Counselor

cc: Ms. Delicianna Winders
People for the Ethical Treatment of Animal Foundation
1536 16th Street, NW
Washington, DC 20036

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