



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 14, 2011

Mr. Joseph Graham
Assistant Corporation Counsel
City of Chicago, Department of Law
jgraham@cityofchicago.org

RE: FOIA Pre-Authorization Request 2010-PAC-8760

Dear Mr. Graham:

We have received and reviewed the written notice from the City of Chicago Office of Emergency Management and Communications 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 July 12, 2010, [REDACTED] submitted a FOIA request to the OEMC seeking the results from the "oral candidate assessment evaluation" conducted in the spring 2009 with regard to the fire supervisor exam process.

On July 30, 2010, the OEMC submitted a Notice of Intent to Deny to this Office explaining that the evaluations 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."

This Office sought further inquiry into the matter on August 6, 2010 and the City of Chicago Department of Law responded on behalf of the OEMC on August 18, 2010. In its response, the City also provided us a copy of the "candidate assessment forms" used during the evaluations.

Determinations

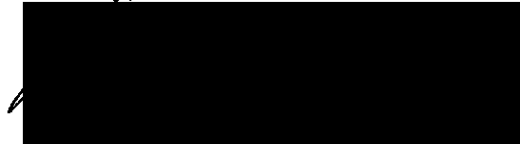
OEMC's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. Upon review of the evaluations, we have determined that they consist of opinions and recommendations by OEMC personnel about a particular applicant for the Supervising Fire Communication Operator position and properly fall within the scope of Section 7(1)(f).

Additionally, there is no evidence that these documents have been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, the OEMC has met its initial burden in demonstrating that these documents are exempt under Section 7(1)(f) and may withhold the documents.

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:



8760 pre-auth at 7(1)(f) prelim mun