



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 2011

Via Electronic Mail

Maria L. Wanamaker

FOIA Officer

Chicago Department of Aviation
CDAfoia@cityofchicago.org

RE: Pre-Authorization Request - 2010 PAC 7543

Dear Ms. Wanamaker:

We have received the written notice from the Chicago Department of Aviation (CDA) of its intention to deny disclosure of certain information under subsection 7(1)(f) of the Freedom of Information Act (FOIA).

On February 16, 2010, John Hilkevitch with the *Chicago Tribune* submitted a FOIA request to CDA seeking "copies of all correspondence, documents and emails regarding the O'Hare Modernization Program between the Chicago Department of Aviation, the O'Hare Modernization program, the Federal Aviation Administration, all the commercial passenger air carriers serving O'Hare International Airport and UPS (United Parcel Service) for the period June 1, 2009 through February 16, 2010." The CDA has indicated its intention to withhold certain documents asserting that those documents are still in preliminary draft form and thus, are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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."

Determination

CDA's use of the exemption in Section 7(1)(f) with regard to these documents is approved. We have reviewed the documents at issue and have determined that these records are preliminary draft documents containing opinions and are being utilized by the CDA in formulating an action regarding a specific matter. Further, CDA has indicated that this information has not been publicly cited or identified by the Airport Commissioner. Accordingly, CDA has met its initial burden of demonstrating that the requested information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen

Amanda M. Lundeen
Assistant Public Access Counselor

cc: Via Electronic Mail
Mr. John Hilkevitch
jhilkevitch@tribune.com

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