



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

March 4, 2011

Bridgett Bevan
Freedom of Information Officer
Chicago Transit Authority
567 W. Lake Street
Chicago, Illinois 60661

RE: FOIA Pre-approval Request – 2010 PAC 11284

Dear Ms. Bevan:

We have received from the Chicago Transit Authority (CTA) a written notice of its intention to assert the Section 7(1)(f) exemption in response to a Freedom of Information Act (FOIA) request submitted by Ms. Jessica Gresko of the Associated Press. Ms. Gresko's FOIA request sought correspondence between Alstom and the CTA related to 2009 train accident. The CTA asserts that the requested records are exempt from disclosure under Section 7(1)(f) because they contain opinions, recommendations and some of the requested records are draft documents.

Section 7(1)(f) of the Freedom of Information Act (5 ILCS 140/7(1)(f)) allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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

We have reviewed over 100 pages of responsive records and have determined that the records are exempt under Section 7(1)(f). The requested records are preliminary drafts, notes, recommendations, memoranda or other documents in which opinions are expressed, or policies or actions are formulated. Further, there is no evidence to suggest that the records at issue have been publicly cited and identified by the head of the public body. Accordingly, the CTA has met its initial burden of demonstrating that these records are exempt from disclosure under Section 7(1)(f).

If you have any questions, please feel free to contact me at (312) 814-5206. This letter shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covering the signature of Amalika Kioja.

Amalika Kioja
Acting Public Access Counselor

cc: Jessica Gresko
Associated Press
1100 13th Street NW
Suite 700
Washington, D.C. 20005

11284 pa al 7(1)(f) op prelim draft mun