



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

Lisa Madigan  
ATTORNEY GENERAL

March 7, 2011

Maria L. Wanamaker  
Freedom of Information Officer  
Chicago Department of Aviation  
CDAfoia@cityofchicago.org

RE: Pre-Authorization Request - 2010 PAC 9824

Dear Ms. Wanamaker:

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

Specifically, on September 8, 2010, Ms. Marni Pyke submitted a FOIA request to CDA for the following information:

"[C]opies of all communications between the Department of Aviation and officials with United Airlines and American Airlines concerning the O'Hare Modernization Plan dating from April 16, 2010 to the present. This would include correspondence with Kate Gebo of UAL and Laura Einspanier of AA."

In its written notice, CDA asserts that certain emails and attached drafts, contained within the requested records, have been withheld from disclosure in accordance with Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)). On October 5, 2010, this Office sent a further inquiry letter to CDA, requesting a copy of the documents that CDA is seeking to withhold from disclosure under Section 7(1)(f) of FOIA. On October 22, 2010, CDA provided a copy of the withheld records for our review.

**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." *Id.*

CDA's use of Section 7(1)(f) exemption with regard to the withheld records is **approved**. We have determined that these withheld documents contain opinions and recommendations solicited

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and utilized by CDA in its decision-making process regarding the O'Hare Modernization Program. Moreover, there is no indication that the withheld information has been publicly cited or identified by the Head of CDA. Accordingly, CDA has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(f) of FOIA.

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,

A black rectangular redaction box covering the signature of Tola Sobitan.

Tola Sobitan  
Assistant Public Access Counselor

cc: Marni Pyke  
Daily Herald  
155 East Algonquin Road  
Arlington Heights, IL 60005

*9824 pre-auth al 71f prelim draft reg.auth*