



CITY OF CHICAGO



October 19, 2023

Forest Gregg
263 Huntington Ave
Boston MA 02115

RE: PUBLIC RECORDS REQUEST of October 12, 2023., Reference # F058711-101223.

Dear Forest Gregg,

This correspondence is in response to the Freedom of Information Act ("FOIA") request received by the City of Chicago Office of the City Clerk on October 12, 2023. You requested:

"I hereby request the following records: Records sufficient to show the itemized budget request for the 2024 FY annual budget and any accompanying material justifying the request."

The budget procedure is still ongoing, so all requests and paperwork for budget fall under Section 7(1) (f) of FOIA which exempts:

[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.

5 ILCS 140/7(1)(f). The U.S. Supreme Court has determined that the deliberative process exemption under the FOIA focuses on documents that reflect "advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated." *NLRB v. Sears and Roebuck*, 421 U.S. 132, 150-151 (1975). The purpose is to encourage "frank discussion of legal or policy matters" such that employees in government feel free to express their opinions before a final legal or policy decision is made. "Deliberative" has been found to mean

being a direct part of the process where recommendations and opinions are expressed. *Vaughn v. Rosen*, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). An email where preliminary opinions were expressed, policies and actions are formulated, and which contained draft materials, is therefore exempt from production under Section 7(1)(f) of the Illinois FOIA and as such, that portion of the email has been properly redacted.

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62701, (877) 299-3642. You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.

If you have any questions or need additional information, please feel free to contact my office at clerkfoia@cityofchicago.org.

Sincerely,

Steven Peacock
Senior Labor Relations Specialist/FOIA Officer
Office of the City Clerk