



## OFFICE OF MAYOR RAHM EMANUEL

### CITY OF CHICAGO

February 5, 2018

J. Ader  
[47219-36066256@requests.muckrock.com](mailto:47219-36066256@requests.muckrock.com)

Dear J. Ader:

On behalf of the City of Chicago Office of the Mayor ("Mayor's Office"), I am responding to your narrowed Freedom of Information Act ("FOIA") request received on January 25, 2018. The Mayor's Office sought a timely extension on February 1, 2018, and is now responding to your request in which you are seeking:

*All communications referencing the terms "sanctuary city", "sanctuary cities", "city of sanctuary", "cities of sanctuary:", "city of refuge", "refugee", and/or "refugees" from the period January 1, 2017 through December 1st, 2017 either sent or received from employee email addresses belonging to the following Mayor's Office staff: Rahm Emanuel, Brooke Collins*

Pursuant to an email exchange over your previous request, we agreed that we will not be providing you with news Clips or emails from news organizations that were returned responsive to your request. At this time, the Mayor's Office with the remaining records responsive to your request with certain information redacted.

City employee work cell phone numbers have been redacted from the responsive emails pursuant to 5 ILCS 140/7(1)(c). Work cell phones are issued to certain City staff for use at work and during non-work hours, thus enabling staff to be contacted when they are out of the office both during work and non-work hours. The Public Access Counselor has determined that disclosure of work cell phone numbers would result in a clearly unwarranted invasion of personal privacy as disclosure:

"...could subject the staff to excessive phone calls from the public at all times of the day even when they are at home and not working. Furthermore, if the employees are forced to turn off their phones while they are not at work to reduce intrusion into their lives, they would not be readily available in the event...management contacts them for a work emergency. The result would be to impair (the) ability to access critical staff during emergencies, and would defeat the primary purpose in issuing the cell phones."

(2010 PAC 8685, Ill. Att'y Gen. PAC Opinion Ltr., issued September 30, 2010.) Since the public can access City staff and other individuals in the records provided through their office landlines and email accounts, as with the situation covered above, work cell phone numbers are exempt pursuant to Section 7(1)(c).

We have also redacted certain material pursuant to Section 7(1)(f) of FOIA. That section exempts:

Preliminary 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 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). The information that has been redacted and withheld under this section includes drafts and discussion of draft documents and statements, and preliminary recommendations, discussions, and opinions. This material is internal communications with impressions and options regarding how to handle or accomplish specific matters. Such materials are exempt pursuant to Section 7(1)(f), and are therefore properly redacted or withheld.

We have also withheld certain material pursuant to Section 7(1)(m) of FOIA. That section exempts:

Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

5 ILCS 140/7(1)(m). Because the withheld records constituted privileged communications between an attorney and clients, they have been properly withheld under this section.

You have the right to a denial reviewed by the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,



Shannon I. Leonard  
Freedom of Information Officer