

December 28, 2015

VIA E-MAIL

Mr. Tim Milburn

Green Ways 2Go

Email: tim.milburn@greenways2go.com

RE: 15-FOIA-248 Locomotive Rehab - RFP/PO, etc.

Dear Mr. Milburn:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“**FOIA**”).

I. Background

On November 23, 2015, we received your request for a copy of the original RFP and the purchase order including relevant information and specifications for modernization of rolling stock for 41 locomotives (“**Request**”).

II. Responsive Document

In response to your Request, Metra is providing you with a copy of Contract #K50858 (“**Responsive Document**”).

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Thomas Stuebner has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information (insurance policy numbers and tax identification numbers) of the party mentioned in the Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” is defined as unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home addresses and personal license plates which are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA. (5 ILCS 140/2(c-5)).
2. Twenty-four (24) pages are being withheld in their entirety under section 7(1)(f) of FOIA, which exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f). Accordingly, the aforementioned pages are draft documents exempt under Section 7(1)(f).

3. Pages 249 – 299 are being withheld in their entirety under section 7(1)(g) of FOIA, which exempts from disclosure, “trade secrets and commercial or financial information obtained from a person or business” can be exempt “where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.” The aforementioned pages contain proprietary or confidential information and as such, these pages fall squarely within this exemption.
4. Insurance information contained within the Responsive Document is being redacted because it is exempt from disclosure under Section 7(1)(s) of FOIA, which exempts “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Thomas Stuebner, all information regarding insurance within the Responsive Document has been redacted.

IV. Right of Review

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

You also have the right to seek judicial review of the partial denial of your Request by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Jamie V. Harrmann
Freedom of Information Officer
FOIA@metrarr.com

Attachment