



March 16, 2017

VIA EMAIL

Ms. Robin Kariel
S&P Global Market Intelligence
Email: robin.kariel@spglobal.com

RE: 17-FOIA-039 2016 Financials

Dear Ms. Kariel:

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 February 10, 2017, we received your request for a copy of the 2016 financials for the Pension Trust, RTA 401(k) plan and Metra 457 Deferred Compensation Plan (“Request”). We contacted you on February 21 to ask that you clarify the types of documents you were seeking regarding “financials”. You responded to our email that same day and provided us with an example of the information you were seeking.

Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with:

- A copy of the RTA Pension Fund Investment Performance Analysis 4th Quarter 2016;
- A copy of the RTA 401(k) Plan and Trust Financial Statements December 31, 2015 and 2014, which the RTA has advised is the most current information they have; and
- A copy of Metra’s 457 Deferred Compensation Plan 4th Quarter 2016

(“Responsive Documents”).

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 Jamie Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The private information contained within the Responsive Documents is being withheld under Section 7(1)(b) of the FOIA. “Private information means 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.” 5 ILCS 140/2(c-5).

2. The names of the third-parties are being withheld because they are exempt from disclosure under Section 7(1)(c) of FOIA, which exempts “personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” Section 7(1)(c) goes on to say that, “‘Unwarranted invasion of personal privacy’ means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” It has been determined that the aforementioned data falls squarely within that definition and its redaction is appropriate under FOIA. 5 ILCS 140/7(1)(c).

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.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your partial denial 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,



Kathleen E. Haton
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments