



May 31, 2019

VIA USPS

Mr. James Hudson


RE: 19-FOIA-134 Request for Info re Robbery Incident on 2012-06-27

Dear Mr. Hudson:

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 May 15, 2019, we received your request for all police reports, incident reports, inventory records, technician reports, 911 transcripts, and any other available records connected to the robbery incident that occurred on June 27, 2012, at the 137th Street Metra Transit Station in Riverdale, IL. You also included the following information in your Request: Officer on report would have been Sgt. Michael O’Neil and Investigator David Robertson. The incident would be a robbery reported by Latanya Holiday allegedly committed by James Hudson (“**Request**”). Your Request is granted in part and denied in part.

On May 30, 2019, we reached out to you to ask if you would allow us until June 7, 2019 to respond to your Request. At this time, we have not received your response, however, we are prepared to issue our Response to you today.

II. Responsive Documents

In response to your Request, Metra’s Police department is providing you with the records/information in its possession which include: Metra Police Report No. 12-022193 and the supplemental report(s) included therein, a Riverdale Police department Advice of Rights form, a Riverdale Police department Line-Up / Photo Spread Advisory Form, a Metra Police department Advise of Rights / Miranda Warning form, a Metra Police department Lineup / Photospread Advisory Form, a Consent to Search by Subject of Search form, and a photograph of James Hudson (“**Responsive Documents**”).

Metra’s Police Department advises that emergency calls relating to the incident were handled through the Cook County Sheriff’s Department. We have enclosed a *Cook County Sheriff’s Office Freedom of Information Act Request* form which includes applicable instructions for your use in obtaining the 911 transcripts you asked for in your Request.

Additionally, Metra's Law department advises that it did not litigate the criminal matter associated with the above-named incident. As such, Metra is not in possession of any inventory records, technician reports, or any other records connected to the robbery incident that occurred on June 27, 2012, at the 137th Street Metra Transit Station in Riverdale, IL. You may wish to direct this portion of your Request to the Cook County State's Attorney's Office. As such, we have included information about how you may submit your request to that office.

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

1. The driver's license number, employee identification number, passwords, personal telephone number, and home address of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Driver's license numbers," "employee identification numbers," "passwords," "personal telephone numbers," and "home addresses" are specifically mentioned within the definition of "private information" found in Section 2(c-5) of FOIA.
2. The dates of birth, physical descriptions, and the names of any victim or other third-party mentioned in the Responsive Documents are redacted 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.
3. Section 7(1)(a) of FOIA exempts "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." 5 ILCS 140/7(1)(a). Accordingly, the home address, date of birth, physical description and driver's license number of the parties mentioned in the Responsive Documents are exempt from disclosure per the Driver's Privacy Protection Act, 18 U.S.C. § 2721 *et seq.*, which prohibits individuals from knowingly obtaining or disclosing "personal information" from a motor vehicle record.
4. Additionally, with respect to the information obtained as a result of the CLEAR and the LEADS inquiries, such records are exempt from release under Section 7(1)(d-5) of FOIA which states, "A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a

role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.” The Metra Police Department only has access to information contained within Soundex and has no role in the creation of this information.

IV. Right of Review

You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

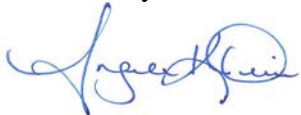
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

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,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Enclosures