

January 4, 2016

VIA E-MAIL

Mr. Glenn C. Zika

Kiewit Infrastructure Co.

Email: glenn.zika@kiewit.com

RE: 15-FOIA-255 UP-West Operating and Maintenance Agreements

Dear Mr. Zika:

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 December 3, 2015, we received your request for a copy of the operating and maintenance agreements between Metra and the Union Pacific for the UP West line between Kedzie and River Forest stations (“Request”). 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 Amended and Restated Purchase of Service Agreement between the Commuter Rail Division of the Regional Transportation Authority (d/b/a Metra) and the Union Pacific Railroad Company, dated January 1, 2010, including Exhibits and Amendments (“Responsive Documents”).

You may access the Responsive Documents via Metra’s file transfer protocol (“FTP”) site. Direct your browser to <https://ftp.metrarr.com/>. The user name is: [REDACTED] and the case sensitive password is: [REDACTED]. Access to this FTP site will expire January 18, 2016. *If you require additional time to download these documents, please let us know prior to the expiration date.*

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 bank account numbers, home address, and the personal telephone number of the party mentioned in the Responsive Documents 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. The name of the third-party mentioned in the Responsive Documents is being withheld under Section 7(1)(c) of the 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. 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 Documents 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,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com