



March 27, 2019

**VIA EMAIL**

Mr. Jacob McCarthy  
[REDACTED]

RE: 19-FOIA-070 BNSF PSA and UP PSA

Dear Mr. McCarthy:

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 March 14, 2019, we received your request for any and all details regarding the purchase of service agreements between Metra and Burlington Northern Santa Fe and between Metra and Union Pacific (“Request”).

We reached out to you via email on the date you submitted your request and explained that as written, your request was rather broad; we asked you to clarify what document(s), specifically, you were hoping to acquire. You responded that you were looking to acquire the purchase of service agreements between Metra and Burlington Northern Santa Fe and between Metra and Union Pacific.

Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra is providing you with: **1)** a Purchase of Service Agreement between Metra and BNSF Railway; and **2)** a Purchase of Service Agreement (w/Amendments and revisions) between Metra and Union Pacific Railroad (“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 Keith Pardonnet has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal telephone numbers, home addresses, and personal financial information 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.” “Personal telephone numbers,” “home addresses,” and “personal financial information” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The physical descriptions of the parties mentioned in the Responsive Documents are redacted because it is 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. Insurance information contained within the Responsive Documents is redacted because it is exempt from disclosure under Section 7(1)(s) of FOIA, which authorizes units of government to withhold “[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**

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:

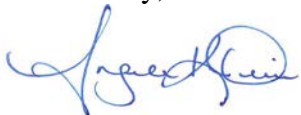
Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Angela K. Ollie  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642  
Attachments