



June 20, 2019

VIA E-MAIL

Ms. Mairlynn McGinnis
[REDACTED]

RE: 19-FOIA-157 Report – [REDACTED]

Dear Ms. McGinnis:

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 June 13, 2019, we received your request via telephone for a Metra Police report made in connection with an incident involving [REDACTED] that took place on April 5, 2019, at a Metra station at or near 1833 N. Cicero Ave. (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s Police Department is providing you with incident report #19-00016827 and a supplemental report (“Responsive Documents”). I spoke to you by telephone on June 19th and asked if you wished to receive the photos referenced in the reports. You indicated that at this time all you wanted were the reports.

Metra’s Police Department does not maintain records of outside agencies. As such, the Cook County Medical Examiner’s report #ME 2019-01559 may be requested by contacting:

The Office of the Medical Examiner
2121 W. Harrison
Chicago, IL 60612
Attn: Medical Records
Telephone: 312-666-0500
Facsimile: 312-997-4516

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, password and other access codes, 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 number,” “employee identification numbers,” “passwords and other access codes,” “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 and physical descriptions of the parties mentioned in the Responsive Documents, as well as the names of the third-parties, 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. Further, with respect to the results of the LEADS background check, 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 LEADS 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.

Ms. Mairlynn McGinnis

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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,



Kathleen E. Haton

Freedom of Information Officer

foia@metrarr.com

FOIA Hotline #312-663-3642

Attachments