



July 26, 2016

VIA EMAIL

Ms. Patricia Trail
[REDACTED]

RE: 16 -FOIA-179 EEO Documents

Dear Ms. Trail:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On July 13, 2016, we received your request for:

1. The total number of candidates and their gender that [REDACTED] Chief Human Resource Officer, interviewed for the Director, HR Client Services (#404) position;
2. The total number of candidates and their gender that [REDACTED] Chief Human Resource Officer, interviewed for the Sr. Director, Compensation, Benefits & HR Policy Human Resources (#402);
3. Since assuming the role of Chief Human Resource Officer with Metra, please provide the number of employees, within [REDACTED] department, that have either had their employment terminated or resigned with their gender identified; and
4. The EEO signed Resume Justification Forms, specific to gender, for the above mentioned positions (“Request”). Your Request is denied.

II. 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 requested information is exempt in its entirety from disclosure under the following provisions of FOIA:

1. The personal information mentioned in your Request is being withheld 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 personal information falls squarely within that definition and its redaction is appropriate under FOIA.

2. Additionally, the requested Resume Justification Forms are being withheld under Section 7(1)(f) of FOIA, which exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated ...[.]” 5 ILCS 140/7(1)(f). As such, Attorney Thomas Stuebner has determined that withholding these documents in their entirety is proper under FOIA.

III. Right of Review

You have the right to have the 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,



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