



February 17, 2017

**VIA E-MAIL**

Mr. Sam Stecklow

South Side Weekly

Email: [sam.stecklow@gmail.com](mailto:sam.stecklow@gmail.com)

RE: 16-FOIA-316 Uber Information

Dear Mr. Stecklow:

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

**I. Background**

On December 19, 2016, we received your request for copies of Metra’s recently signed marketing agreement with Uber Technologies, Inc. (“Uber”), any communications between Metra and Uber regarding their agreement, Uber’s proposal, Metra’s request for proposals from rideshare companies and copies of any other FOIA requests related to the agreement (“Request”).

On January 5, 2017 I was informed by Metra’s Procurement Department that the Notice to Proceed has not been issued for the Uber contract. In light of this information, you agreed to keep your Request active with weekly updates until the Notice to Proceed was issued. The Notice to Proceed was issued on February 7, 2017. Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra is providing you with the following documents:

- Signed Contract between Uber and Metra; and
- Copies of emails to and from Metra’s Procurement Department, External Affairs Department and Legal Department to and from Uber’s Communications and Legal Departments.

Metra’s Procurement Department informs us that this was an Invitation for Bid (“IFB”) and not a Request for Proposal (“RFP”), as such, Uber did not submit a proposal and was the only rideshare company to submit a Bid for this IFB. Additionally, to date, Metra’s FOIA Department has not received any other FOIA requests for the above-referenced information.

**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. Pages containing draft documents or draft notes are redacted because they are exempt from disclosure under Section 7(1)(f) of FOIA, which states records that are, “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” are exempt from disclosure. 5 ILCS 140/7(1)(f). The redacted pages are preliminary drafts and as such, Attorney Thomas Stuebner has determined that these draft pages are properly denied from disclosure.
2. Certain portions of the Responsive Documents are exempt from disclosure under Section 7(1)(g) of FOIA. Section 7(1)(g) states that, “trade secrets and commercial or financial information obtained from a person or business” can be exempt “where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.” Accordingly, per Attorney Thomas Stuebner, all information regarding commercial financial information within the Responsive Document has been redacted.
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 Document 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.

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

Sincerely,



S. Hatch  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642

Attachments