

September 2, 2015

VIA E-MAIL

Mr. Daniel Hamilton
Brown, Hay & Stephens, LLP
Email: dhamilton@bhslaw.com

RE: 15-FOIA-156 Info – Davidoff Communications

Dear Mr. Hamilton:

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 August 10, 2015, we received your request copies of any and all documents pertaining to any work completed by the firm Davidoff Communications on behalf of, or in any way related to Metra, dated or occurring up to 3 years’ prior to the date of this request. Documents shall include, but not be limited to any and all:

- (1) Contracts;
- (2) Invoices;
- (3) Evidences of payment;
- (4) Communications by and between Davidoff Communications (or any intermediary acting on or behalf of Davidoff Communications) and Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Davidoff Communications Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members);
- (5) The identity of and communications with any third parties, contractors, agents, or other intermediaries providing services by or in association with Davidoff Communications to Metra;
- (6) Meeting notes, rosters, agendas, calendar entries, or other such documentation responsive to such request along with the names of individuals and firms in attendance at such meetings;
- (7) Any prior communications or documents showing a relationship between Davidoff Communications and Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Davidoff Communications Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members); and
- (8) Any and all recommendations and/or documents provided by or to Davidoff Communications by or to any Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Davidoff Communications, Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members).

Additionally, you requested both hardcopies and electronic (e.g. MS Word documents, PDF documents, etc.) versions of such documents, video or audio recordings responsive to your request, stored in any manner whatsoever (“**Request**”).

We sent you an email on August 17th advising that your Request as written was overly broad and would potentially involve an enormous amount of documents. We then asked if you would consider narrowing the scope of your Request. Per your response to our August 18th email, Mr. Thomas Stuebner called you on August 19th to discuss your Request. During that conversation, you agreed to accept the first 3 items of your Request that being the contracts, invoices and evidence of payment for now, with the understanding that you could submit future requests for the remaining items. Your Request is granted in part and denied in part.

II. Responsive Documents

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

- The Professional and Consulting Services Agreement #S52082 (“**Agreement**”) between the Northeast Illinois Regional Commuter Railroad Corporation d/b/a Metra, and Davidoff Communications LLC executed on March 10, 2015, and March 4, 2015, respectively;
- Invoices from April 2015 – July 2015; and
- Evidence of Payment from April 2015 – July 2015

(“**Responsive Documents**”).

Metra’s Procurement Department advises that the above-referenced Agreement is the only agreement Metra has executed with Davidoff Communications LLC.

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information (account numbers and tax identity numbers) of the party mentioned in the Responsive Documents is being redacted because it is 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. 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.

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 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

Attachments