

February 18, 2016

VIA U.S. MAIL

Mr. Stan Milewski
Illinois Commerce Commission
16865 Comandra Circle
Homer Glen, IL 60491

RE: 16-FOIA-032 Report / Video Accident 87th & Pulaski 1/20/2016

Dear Mr. Milewski:

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 February 8, 2016, we received your request for a copy of the Metra police report regarding the January 20, 2016 accident which occurred at the intersection of 87th St. and Pulaski Ave., along with a copy of the video from the train (“**Request**”). Your Request is granted in part and denied in part.

II. Responsive Document

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

- Metra Police Report #16-00113;
- Illinois Traffic Crash Report #U130029539;
- Hometown Police Department Incident Report #16-0132; and
- Video from Metra Cab Car #8478 on CD

(“**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 Thomas Stuebner has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, passwords, personal telephone numbers, personal financial information, and the vehicle license plate numbers of the parties mentioned in the Responsive Documents are being 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,” “personal financial information,” “passwords,” “personal telephone numbers,” “home addresses,” and “personal license plates” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The dates of birth, physical descriptions of the parties, vehicle insurance policy numbers, as well as the names of the third-parties mentioned in the Responsive Documents are being

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 addresses, dates of birth, driver’s license numbers, and any physical descriptions of the parties mentioned in the Responsive Document 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.

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
FOIA Hotline #312-663-3642

Enclosures