

March 3, 2016

VIA E-MAIL

Mr. David Macek
Spahn Breckinridge & Associates
Email: dave@spahnbreckinridge.com

RE: 16-FOIA-034 All Records - [REDACTED] Incident 2/6/2016

Dear Mr. Macek:

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 11, 2016, we received your request for a copy of any and all reports relating to the fatal accident involving [REDACTED] on February 6, 2016, in Northbrook, Illinois (“Request”). Your Request is granted in part and denied in part.

We contacted you on February 24, advising that Metra’s Police Department (“MPD”) was still working to finalize their report involving the fatality of [REDACTED] and requested an additional extension to March 3, in order for the MPD to complete their report. You responded to our email on February 25, granting us this additional extension.

II. Partially Responsive Document

In response to your Request, the MPD is providing you with a copy of report #MP-16-00004308 (“Partially Responsive Document”).

The MPD notified us that supplemental reports may be forthcoming, but the responsible officer is currently unavailable, and this report cannot be completed until his return.

Additionally, reports from the other agencies referenced in the Partially Responsive Document, were not provided to the MPD. For your convenience, we are providing you with the following contact information to submit a request for copies of these reports:

Canadian Pacific (Case # CPPS 2016-000327)
7550 Ogden Dale Road S.E.
Calgary, AB T2C 4X9
Canada
Telephone: 888-333-6370

Union Pacific Railroad (Case # 2016-02-06-020PAA)
1400 Douglas Street
Omaha, NE 68179
Telephone: 402-544-5000

Glenview Police Department (Case #16-4996)
Attn: Eric Deloy
2500 East Lake Avenue
Glenview, IL 60026
Email: edeloy@glenview.il.us
FAX: 847-729-9489

Freedom of Information Officer (Case #16-02013)
Village of Northbrook
1225 Cedar Lane
Northbrook, IL 60062
Telephone: 847-272-5050
FAX: 847- 272-1892
Email: FOIA@northbrook.il.us

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 Partially Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The unique identifier, driver's license number, employee identification number, password, personal telephone number and home address of the parties mentioned in the Partially Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Unique identifiers," "driver's license numbers," "employee identification numbers," "passwords," "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 description of the parties mentioned in the Partially Responsive Document 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 address, date of birth, driver's license number, and any physical description of the parties mentioned in the Partially 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

Attachment