

April 19, 2016

**VIA E-MAIL**

Mr. Noah Carson-Nelson

UNITE HERE Local 1

Email: [ncarsonnelson@unitehere1.org](mailto:ncarsonnelson@unitehere1.org)

RE: 16-FOIA-087 Exhibit H and Settlement - Rent Reports

Dear Mr. Carson-Nelson:

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 April 5, 2016, we received your request for the following records:

- Exhibit H of the Lease between Metra and Beitler Millennium Station; and
- Per Lease paragraph 49a, any and all Settlement Reports and Rent Reports from Beitler Millennium Station to Metra from January 1, 2010 to December 31, 2014, including any and all amendments, attachments, exhibits, or other modifications to these settlement and rent reports

(“**Request**”). Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra’s Real Estate Department is providing you with the Monthly Reports received from Beitler Millennium Station LLC, for January 1, 2010 to December 31, 2014.

After performing a diligent search of Metra’s records, we have been unable to locate any records responsive to your Request regarding Exhibit H of the Lease between Metra and Beitler Millennium Station. Incorporating an Exhibit H into the Lease was contemplated, but ultimately this did not occur.

**III. Partial Denial**

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain "private information." 5 ILCS 140/7(1)(b). "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 e-mail addresses," as well as home address, and personal license plates. 5 ILCS 140/2(c-5). Accordingly, per Attorney Thomas Stuebner, any such private information within the above-mentioned report has been redacted.

#### **IV. Denial**

Documents identified as “Financial Statement Information” are marked as “Confidential,” and are being withheld in their entirety 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.” As Beitler Millenium Station LLC has specifically marked the above-referenced Financial Statement Information as “Confidential,” Attorney Thomas Stuebner has determined that they fall squarely within this exemption and their denial is proper under FOIA.

#### **V. 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.

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

Sincerely,



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

Attachments