

May 3, 2016

VIA E-MAIL

Mr. Chris Andriesen

Illinois Policy Institute

Email: research@illinoispolicy.org

RE: 16-FOIA-097 Sidley Austin Contract & Payments Y2015

Dear Mr. Andriesen:

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 15, 2016, we received your request for the contract between Metra and Sidley Austin LLP for Y2015; and documents showing payments from Metra to Sidley Austin for Y2015 (“**Request**”). 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 between Metra and Sidley Austin LLP, dated September 30, 2013, effective for a 5-year term or until work is completed; and a spreadsheet showing payments made by Metra to Sidley Austin for Y2015 (“**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 Documents are exempt from disclosure under certain provisions of FOIA:

1. Private information contained within the Responsive Documents is exempt from disclosure under Section 7(1)(b) of FOIA. "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).
2. Certain portions of the Responsive Documents marked as “Confidential” 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.”

3. Section 7(1)(s) of FOIA authorizes units of government to withhold “[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 any further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com

Attachments