

June 7, 2016

**VIA U.S. MAIL**

Ms. Judy Branham  
LexisNexis  
P.O. Box 7000  
Southeastern, PA 19398

RE: 16-FOIA-127 Police Report #14-05132; Your Tran: [REDACTED]

Dear Ms. Branham:

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 May 11, 2016, we received your request for a copy of an auto accident report concerning your insured, [REDACTED] (“**Request**”). Your Request is granted in part and denied in part.

**II. Responsive Document**

In response to your Request, Metra is providing you with Metra Police Report #14-051328 (“**Responsive Document**”).

The Illinois Traffic Crash Report number HX542271 and citation numbers TH265765 and TH265766 referenced in the Responsive Document may be requested from the Chicago Police Department at:

Freedom of Information Officer  
Chicago Police Department -Records Division, (Unit 163)  
3510 South Michigan Ave.  
Chicago, IL 60653  
Email: foia@chicagopolice.org

**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. 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 party 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.

2. The social security number, driver's license number, employee identification number, password, personal telephone number, home address, and personal license plate number of the parties mentioned in the Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Social security numbers," "driver's license numbers," "employee identification numbers," "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.
3. The date of birth and physical description of the party, the insurance policy number, and the name of the third-party mentioned in the 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.

Additionally, per the Identity Protection Act, "[N]o person or State or local government agency may . . . [p]rint an individual's social security number on any materials . . . through . . . electronic mail[.]" Further, Section 10(b)(1) prohibits the disclosure of a social security number, unless:

required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose.

5 ILCS 179/10(a)(4).

#### **IV. Right of Review**

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor ("PAC") of the Illinois Attorney General's Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). 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 further assistance to you, please do not hesitate to contact me.

Sincerely,



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

Enclosure