



June 14, 2016

VIA E-MAIL

Mr. Mario C. Palermo
Woodruff Johnson & Palermo
Email: mpalermo@woodrufflawyers.com

RE: 16-FOIA-154 Info re: [REDACTED]

Dear Mr. Palermo:

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 June 9, 2016, we received your request for a copy of the police report and any investigatory reports associated with an incident which occurred in Bartlett, IL on May 2, 2016, involving [REDACTED] (“Request”). Your Request is granted in part and denied in part.

I contacted your office on June 9, and spoke with Bev Toms regarding the photographs taken at the scene of the incident. I explained that the photos were extremely graphic in nature and asked if these photos were records you wanted in addition to the police report. Ms. Toms stated she would consult with you regarding the graphic photos and would return our call. Ms. Toms called later that same day, indicating that the graphic photos were records that you wanted.

II. Responsive Documents

In response to your Request, Metra’s Police Department (“MPD”) is providing you with:

- MPD Report #MP-16-00015560;
- Supplemental Report to MPD Report #MP-16-00015560, with diagram;
- Twenty-two (22) graphic photos of the incident scene; and
- Seventeen (17) photos of the Bartlett station area

(“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 State of Illinois Identification card number (unique identifier), employee identification number, password, personal telephone number, and home address 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.” “Unique identifiers,” “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 descriptions of the parties, as well as the name of the witness 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 information falls squarely within that definition and its redaction is appropriate under FOIA.

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

Attachments