

July 5, 2016

VIA E-MAIL

Mr. Daniel Hamilton
Brown, Hay & Stephens, LLP
Email: dhamilton@bhslaw.com

RE: 16-FOIA-164 Communications

Dear Mr. Hamilton:

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 20, 2016, we received your request for copies of any and all communications, recommendations, and documents, in any format whether written, electronic, or otherwise, related to the hiring, application, or solicitation of any individual as any (1) external affairs officer, (2) director of communications, or (3) public relations manager occurring in calendar years 2015 and 2016. This request shall include, but is not limited to:

1. Any documents or communications from external consultants and vendors as to the need for the position, design of position, required skills, experience, role, organization design, etc.;
2. Notes and scoring, ranking or rating of received applications and resumes;
3. Notes and scoring from all interviews;
4. Copies of any/all resumes, cover letters, emails, or other submissions received for said positions;
5. Documents and calendar entries demonstrating meeting dates with all candidates and all other documents created as a result of or in preparation of said meetings, including, but not limited to, documents demonstrating which current employees meet with which applicants, when and where said meetings occurred, and how often said meetings occurred;
6. Phone records demonstrating contact between vendors, board members, Metra employees and any candidate or applicant for said positions listed above;
7. Notes on position write-ups, *e.g.*, notes/discussion on how the position requisition and related documents should be written, edited, modified;
8. Board and CEO notes; Board and CEO notes; Board and CEO notes;
9. Any documents or communications by members of the board or CEO regarding said positions listed above or any candidate therefore; and,
10. Any documents or communications by external vendors or consultants involved in any way, opining on, or otherwise addressing in any way said positions listed above or the individual applicants or candidates for said positions. (“Request”).

In an email we sent to you on June 24, 2016, we advised that your Request as written was overly broad and would be disruptive to the day-to-day operations of the departments at Metra tasked with pulling and reviewing the requested documents. We asked that you narrow the scope of your Request by limiting the types of documents. On June 27, 2016 we received an email from you asking us to identify the portions of your Request we claimed were overly broad. We replied to your email on June 28, 2016 explaining that, among others, we believed that the 18-month window for all documents, the number of subcategories, and the broad language each category is couched-in, would make this request nearly impossible to process, for example. We asked again if you would please consider narrowing the scope.

To date, we have not received a response from you. Accordingly, your Request is denied.

II. Denial

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” Your Request as written is overly broad and would be disruptive to the day-to-day operations of the departments at Metra tasked with pulling and reviewing the requested documents. Further, your Request would severely interfere with the day-to-day operations of our department; and our ability to fulfill other FOIA requests, if required to take on this process, making your Request for these documents unduly burdensome. Since you did not respond to our June 28 email requesting that you narrow the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

III. Right of Review

You have the right to have the 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Mr. Daniel Hamilton / Brown, Hay & Stephens, LLP
16-FOIA-164 Communications
Page 3 of 3

You also have the right to seek judicial review of your 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,

A handwritten signature in blue ink, appearing to read "S. Hatcher".

Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642