



September 6, 2016

VIA EMAIL

Mr. David Macek
Spahn Breckinridge & Associates
Email: dave@spahnbreckinridge.com

RE: 16-FOIA-214 Accident Report 08/08/16

Dear Mr. Macek:

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 August 25, 2016, we received your request for any and all Metra reports for an accident on August 8, 2016, 7:40 a.m. at 97th and Central in Oak Lawn, IL (“Request”). Your Request is denied.

II. Denial

The documents requested regarding the above-referenced accident are exempt from disclosure in their entirety under Sections 7(1)(d)(i) and (vii) of FOIA, which states in part:

[r]ecords in the possession of any public body created in the course of . . . any law enforcement . . . agency for law enforcement purposes, but only to the extent that disclosure would . . .

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement . . . agency that is the recipient of the request and . . .

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient[.]

5 ILCS 140/7(d)(i) and (vii).

The Metra Police Department has advised that this incident is an ongoing investigation, and as such any record regarding this matter is not available for release at this time.

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.

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,



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