



October 11, 2016

VIA Email and US Mail

Ms. Gloria Henderson



RE: 16-FOIA-238 Hyde Park Documents

Dear Ms. Henderson:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On September 27, 2016 we received your request as follows:

1. Information regarding how much of a 17 million dollar grant received by Metra circa 1998, was used for projects affecting retail spaces at 51st, 53rd and 57th street stations;
2. Safety inspection reports for the Hyde Park retail spaces under the Metra stations at 51st, 53rd and 57th streets between 1998 and 2008;
3. Punch list for work completed at these three sites; and
4. Copies of inspection approvals (City Inspectors and Health Department) for retail space at 1558 E. 53rd street approving water gutter “inside” retail space

(“Request”). Your request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with:

- Project Status reports for the Hyde Park Street Station Design/Replacement stating the construction costs for the entire project;
- Contractor Application and Certification for Payment with supporting documents for Contract #K07166 detailing the payouts for the entire project; and
- Punch lists for 51st, 53rd, 55th and 57th street stations

(“Responsive Documents”).

After performing a diligent search for records, Metra's Engineering Department advised that the costs of the project were allocated across the entire project, and they are unable to locate documents detailing the allocation of costs to the specific retail spaces at 51st, 53rd and 57th street stations.

Additionally, after performing a diligent search for records concerning safety and building inspection reports, Metra's Engineering Department advised that they do not maintain records of outside agencies. You may submit your request for safety inspection records by contacting the City of Chicago Health Department through its FOIA department at CDPHfoia@cityofchicago.org; and for building inspection records, you may submit your request for these documents to the City of Chicago, Department of Buildings FOIA department at DOBfoia@cityofchicago.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. The personal financial information 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." "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 email addresses.
2. Certain portions of the Responsive Documents 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." Accordingly, per Attorney Thomas Stuebner, all information regarding commercial financial information 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 further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "S. Hatch".

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

Enclosures