



November 4, 2016

VIA E-MAIL

Mr. Dan Boris
Research Director
Service Employees International Union Local 73
Email: dlboris@seiu73.org

RE: 16-FOIA-264 Employee Information

Dear Mr. Boris:

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 October 17, 2016, we received your request for a list of all Metra employees with the following information for the current year, 2016:

- A non-social security number unique identifier such as employee or payroll ID number;
- Employee last name/first name;
- Employment Status (full time/part time);
- Standard hours worked per week;
- Hourly rate;
- Annual salary (if applicable);
- Job title;
- Job title code (if applicable);
- Work location name (if applicable);
- Work address (if applicable);
- Work phone (if applicable);
- Work email (if applicable);
- Status of position (permanent, temporary, civil service, non-civil service, if applicable);
- Union designation (if non-union, please indicate, otherwise indicate which bargaining unit and labor union this position falls under);
- Standard union dues deducted per pay period; and
- Pay periods per year

(“**Request**”).

II. Responsive Documents

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

- The Regional Transportation Authority (“**RTA**”) link below which contains a downloadable spreadsheet of Metra employees last name, first, name, department, title, annual salary/hourly rate, year-to-date gross pay, county, position status, current employment status, full-time/part-time status and veteran status for the current year, 2016:
<http://data.rtachicago.org/dataviews/226044/metra-employees-2016>;
- Spreadsheet showing each employees name, email address, department and work location/address; and
- Spreadsheet with employee name and phone number. Please note that each number in Column A of the Spreadsheet is preceded by (312) 322-XXXX.

(“**Responsive Documents**”)

Additionally, Metra does not use job codes, standard hours work per week varies by week, non-union employees are not paid hourly, and all employees have 24 pay periods annually.

Please also note that the information requested is not stored in one database and as such we needed to access several databases in order to supply you with the requested information.

III. Partial Denial

1. While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain "private information." 5 ILCS 140/7(1)(b). "Private information" is defined as "unique identifiers, including a person's employee identification number and personal financial information." 5 ILCS 140/2(c-5). Accordingly, per Attorney Thomas Stuebner has determined that the employee identification numbers are exempt from disclosure.
2. Additionally, because union bargaining unit/labor unit information and union dues deductions are personal elections and not employer mandated it has been determined that information is 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.” Therefore, it has been determined that the aforementioned data falls squarely within that definition and its exemption 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



Sonserese Hatch
Freedom of Information Officer
FOIA@metrarr.com

Attachments