



November 21, 2016

VIA E-MAIL

Jesse Dukes
WBEZ's Curious City
Email: jdukes@wbez.org

RE: 16-FOIA-289 Public art information

Dear Jesse Dukes:

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

I. Background

On November 9, 2016, we received your request for the following information in connection with property owned or managed by Metra:

- Letters to artists or public organizations authorizing the painting or installation of murals or mosaics on bridges, tunnels, or viaducts from 2006 to present;
- Documents sufficient to show the location of sites at which Metra has granted permission to an artist, organization or ward for the creation of public art, especially murals or mosaics on Metra property from 2006 to present; and
- Records sufficient to show the location of any murals or mosaics on viaducts known to Metra.

(“Request”).

Your request is granted in part and denied in part.

II. Responsive Documents

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

- Agreement to Paint Mural between the Commuter Rail Division of the Regional Transportation Authority (“Metra” or “RTA”) and ArchiTreasuries dated May 12, 2010;
- License Agreement between Metra and Belmont Gardens/Hermosa Neighborhood Association dated March 27, 2007;
- Agreement to Paint Mural between RTA and Chicago Public Art Group dated September 17, 2008;
- Agreement to Paint Mural between RTA and Chicago Public Art Group dated June 8, 2011;
- Mural License Agreement between Metra and Chicago Public Arts Group dated October 21, 2014;
- Mural License Agreement between Metra and Chicago Public Art Group dated October 19, 2015;

- Agreement to Paint Mural between RTA and Chicago Public Art Group dated April 14, 2009;
- Agreement to Paint Mural between RTA and Green Star Movement dated July 26, 2011;
- Mural License Agreement between Metra and Green Star Movement, NFP dated June 7, 2016;
- Mural License Agreement between Metra and Green Star Movement, NFP dated May 21, 2014;
- Agreement to Paint Mural between RTA and Hermosa Community Organization Mentoring Program dated July 27, 2009;
- Agreement to Paint Mural between RTA and Hermosa Community Organization Mentoring Program dated August 19, 2011;
- Mural License Agreement between Metra and the Institute of Universal Learning-Karim Foundation dated May 16, 2013;
- Agreement to Paint Mural between RTA and The Miracle Center dated October 24, 2011;
- Mural License Agreement between Metra and the South Side Mural Project dated October 17, 2016;
- Agreement to Paint Mural between RTA and Stay Environmentally Focused Foundation dated February 1, 2009;
- Agreement to Paint Mural between RTA and Stay Environmentally Focused Foundation dated May 5, 2009; and
- Letter Agreement 87787 between Metra and Chicago White Sox, Ltd dated September 18, 2012.

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal telephone number and home address of the parties mentioned in the Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “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 insurance policy numbers of the parties mentioned in the Responsive Document 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 data falls squarely within that definition and its redaction is appropriate under FOIA.
3. Section 7(1)(s) of FOIA authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management

information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Thomas Stuebner, all information regarding insurance within the Responsive Documents 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 any further assistance to you, please do not hesitate to contact me.

Sincerely,



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

Attachment