



December 16, 2016

VIA Email

Mr. Patrick Blum/ Ms. Melissa Tomaszewski
Curcio Law Offices
Email: mtomaszewski@Curcio-Law.com

RE: 16-FOIA-306 Accident Records - [REDACTED] 11/1/2016

Dear Mr. Blum:

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 December 2, 2016, we received your request for a copy of any and all documents, statements, reports of accidents and/or injuries involving a passenger train and [REDACTED] at or near 1803 W 71st Street, Chicago, IL on November 1, 2016. On December 8, 2016 we emailed you to narrow your request as your request as written was overly broad and unduly burdensome. On December 12, 2016, we received your revised request asking us for any documents, statements, or reports of injuries involving the above-referenced incident. Later that day, we spoke on the phone to clarify your revised request and you concluded that the request was sufficiently narrow and would remain as stated (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with a copy of Metra Police Report #MP-16-000-40692 with photos (“Responsive Documents”).

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 Jamie V. Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The employee identification number, passwords, personal telephone number, home address and personal license plate number 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.” “Employee identification numbers,” “passwords,” “personal telephone numbers,” “home addresses,” and “personal license plate numbers” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.

2. The dates of birth, physical descriptions and third party witnesses mentioned in the Responsive Documents 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.

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.

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

Attachments