



December 16, 2016

VIA E-MAIL

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

RE: 16-FOIA-309 Any/All Reports, etc. - [REDACTED] 9/1/2016

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 December 6, 2016, we received your request for copies of any and all reports to include any video recordings of the fatal accident on 9/01/2016 at 95th St. & 51st St. in Oak Lawn, in which [REDACTED] was struck and killed by a Metra train. We sent you an email on December 13, asking that you specify the types of documents you were seeking. You replied that same day indicating that your request was for any and all police reports pertaining to this accident (“**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 #16-00032079, with supplemental report and an accident reconstruction diagram (“**Responsive Documents**”).

Metra’s Police Department has advised that records generated by outside agencies must be obtained from those agencies directly. As such, should you wish to obtain reports referenced within the Responsive Document, you may submit your request to:

Police Department FOIA Officers
Village of Oak Lawn
9446 S. Raymond Ave.
Oak Lawn, IL 60453
FAX: 708-499-7823
Website:

The Office of the Medical Examiner
Attn: Medical Records
2121 West Harrison St.
Oak Lawn, IL 60453
Chicago, IL 60612

<http://www.oaklawn-il.gov/government/village-clerk/foia-requests>

Fire Department FOIA Officers
Village of Oak Lawn
9446 S. Raymond Ave.
FAX: 708-598-3092
Website: <http://www.oaklawn-il.gov/government/village-clerk/foia-requests>

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

1. The driver's license number, employee identification number, password, 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." "Driver's license numbers," "employee identification numbers," "passwords," "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 dates of birth and physical descriptions of the parties 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.
3. Section 7(1)(a) of FOIA exempts "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." 5 ILCS 140/7(1)(a). Accordingly, the home address, date of birth, driver's license number, and any physical description of the parties mentioned in the Responsive Documents are exempt from disclosure per the Driver's Privacy Protection Act, 18 U.S.C. § 2721 *et seq.*, which prohibits individuals from knowingly obtaining or disclosing "personal information" from a motor vehicle record.

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,



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

Attachment