



March 8, 2019

VIA E-MAIL

Mr. Boleslaw Nosal
[REDACTED]

RE: 19-FOIA-063 Report #MP-18-00007731

Dear Mr. Nosal:

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 March 5, 2019, we received your request for a final incident report in connection with your daughter, [REDACTED] who was struck by a Metra train on February 14, 2018. We contacted you on March 6 to inform you that the photographs mentioned in the police report were graphic in nature and asked if you wanted to receive them. You responded to our email on March 7 and confirmed you did want to receive these photographs (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s Police Department is providing you with:

- police report #MP-18-00007731;
- two (2) supplemental police reports;
- Metra Police Detective Barry’s Investigator report; and
- Photographs

(“Responsive Documents”).

Metra’s Police Department informs us that the missing photos from report #MP-18-00007731, were blank and unusable.

After a diligent search of Metra’s records, we are unable to locate any reports that may have been generated by the Chicago Police Department’s Major Accident Investigation Unit or Cook County Medical Examiner’s Report #ME201800834 (autopsy and toxicology report), mentioned in the Responsive Documents. Metra’s Police Department advises it does not maintain records of outside agencies. As such, you may wish to contact the City of Chicago Police Department for information here: https://www.cityofchicago.org/city/en/depts/cpd/supp_info/cpd_foia.html; and to obtain a copy of the Cook County Medical Examiner’s Report, you may contact the Cook County Medical Examiner here: <https://www.cookcountyil.gov/agency/medical-examiner>.

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

1. The employee identification numbers, passwords, personal telephone numbers, and home addresses of the parties mentioned in the Responsive Documents are 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,” 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, as well as third-party names mentioned in the Responsive Documents, are 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 information falls squarely within that definition and its redaction is appropriate under FOIA.
3. Further, with respect to results of the Soundex check, such records are exempt from release under Section 7(1)(d-5) of FOIA which states, “A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.” The Metra Police Department only has access to information contained within Soundex and has no role in the creation of this information.

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.

Mr. Boleslaw Nosal
19-FOIA-063 Report #MP-18-00007731
Page 3 of 3

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



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

Attachments