



July 3, 2019

VIA E-MAIL

Ms. Amy Zale

Odelson & Sterk, Ltd.

Email: azale@odelsonsterk.com

RE: 19-FOIA-166 Information re [REDACTED] and Vermont St. Station

Dear Ms. Zale:

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 June 21, 2019, we received your request for: **1)** all accident or incident reports concerning [REDACTED], including but not limited to an incident that occurred on June 25, 2018 at or near the Vermont train station in Blue Island, IL; **2)** any document showing all employee(s) on duty at the Vermont train station on June 25, 2018; **3)** all agreements in effect on June 25, 2018 concerning the maintenance of the property surrounding the Vermont train station building, including but not limited to the platform, curbs, sidewalks, parking lot, and lighting; **4)** all documents evidencing the ownership of the property at/near the Vermont train station, including but not limited to the platform, curbs, sidewalks, parking lot and lighting; and **5)** any inspection or other types of reports completed within the last 10 years concerning the condition of the property surrounding the Vermont train station building, including but not limited to the platform, curbs, sidewalks, parking lot and lighting (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request Metra is providing you with: **1)** Metra Police Report No. MP-18-00029014; **2)** an email (and its attachment) from Metra’s Transportation department naming the Metra personnel that were on duty at the Vermont Street Station on June 25, 2018; **3)** two Agreement[s] for Operation and Maintenance of Commuter Parking Facility between Metra and the City of Blue Island; **4)** two photos showing the areas of ownership and maintenance; and **5)** an Excel sheet detailing the status of repair projects at the Vermont Street Station (“Responsive Documents”).

With regard to the condition of the property surrounding the Vermont Street Station, Metra’s Station Services department advises that the (provided) Excel document which shows the status of repair projects at the Vermont Street Station from June 16, 2015, is as far back as their records date. As such, we are only able to provide you with records concerning the condition of the property surrounding the Vermont Street Station from the past four years, not 10 years as your Request solicited.

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 driver's license number, employee identification number, passwords and other access codes, personal telephone number, and home address 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." "Driver's license numbers," "employee identification numbers," "passwords and other access codes," "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 information, dates of birth, and physical descriptions of the parties 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 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, physical description, and driver's license number of the parties mentioned in the report 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,

A handwritten signature in blue ink, appearing to read "Angela K. Ollie".

Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments