

August 5, 2019

VIA E-MAIL

Ms. Danielle Malaty
[REDACTED]

RE: 19-FOIA-208 Incident at Fulton and Clinton on 2019-07-25

Dear Ms. Malaty:

Metra's FOIA Department ("FOIA Department") is 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 July 29, 2019, the FOIA Department received your request for:

1. Any and all information pertaining to the function, malfunction, maintenance and/or repair of the automatic crossing warning signal, such as flashing light, gates and bells, controlling the ground level railroad tracks located at Fulton and Clinton, Chicago, Illinois, Cook County;
2. All body camera footage of Metra Police Officer Brandon Henley [REDACTED] from July 25, 2019 9:00 a.m. to 9:00 p.m. More specific to this request, you requested footage retrieved from the moment Officer Henley received the call to report to the above-mentioned location, until 9:00 pm; and
3. All body camera footage of Metra Police Officer "T" Washington [REDACTED] from July 25, 2019 9:00 a.m. to 9:00 p.m. Additionally, you requested footage retrieved from the moment Officer Washington received the call to report to the above-mentioned location, until 9:00 pm ("**Request**").

Over the course of July 29 and July 30, 2019, Metra's FOIA Department communicated with you several times and repeatedly requested you to narrow your Request as it was too broad and unduly burdensome as written. (see Exhibit A). You failed to narrow your Request. Accordingly, your Request is denied.

II. Denial

The FOIA Department is denying your Request under 5 ILCS 140/3(g), which states that a public body may deny a request where "compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." Your Request, as written, is overly broad and would be disruptive to the day-to-day operations of the various departments tasked with not only locating, but also spending countless hours reviewing up to 24 hours of video in addition to reviewing the other requested records. Additionally, our Department's need to review any records that may be responsive to your Request would severely interfere with our day-to-day operations and interfere with our ability to fulfill other FOIA requests, thus making your Request for these records unduly burdensome. Since you did not sufficiently narrow the scope of your Request, it has been determined by Attorney Keith Pardonnet that its denial as unduly burdensome is appropriate as your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

III. Right of Review

You have the right to have the 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your 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,



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