

April 12, 2016

VIA E-MAIL

Ms. Deborah A. Hecimovich
Susan E. Loggans & Associates, P.C.
Email: dhecimovich@logganslaw.com

RE: 16-FOIA-089 Any / All Records – 10/28/2015 Accident

Dear Ms. Hecimovich:

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 April 6, 2016, we received your request for any and all photographs, accident reports, investigation reports, memorandum, witness statements, videos, including, but not limited to, the red light camera videos, and GPS data from Jason Emsing’s vehicle regarding the accident on October 28, 2015 at the intersection of Halsted Street and 138th Street in Riverdale, Illinois (“**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 Department (“**MPD**”) report #15-34551, photos of accident and the GPS data from the Metra vehicle Mr. Emsing was operating at the time of the accident (“**Responsive Documents**”).

After performing a diligent search of Metra’s records, we have been unable to locate any additional records responsive to your Request. MPD does not have any records generated by the Riverdale Police Department or red light camera videos. You may contact the Village of Riverdale to obtain records at:

Village of Riverdale
157 W. 144th St.
Riverdale, IL 60827
Telephone: 708-841-2200

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 Thomas Stuebner 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, medical record, personal telephone number, 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," "medical records," "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 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 Document 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.

Ms. Deborah A. Hecimovich / Susan E. Loggans & Associates, P.C.
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If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "K E Haton".

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

Attachments