

May 2, 2016

VIA E-MAIL

Ms. Ruth Major

Major Law

Email: rmajor@major-law.com

RE: 16-FOIA-110 [REDACTED] Personnel Files; Etc.

Dear Ms. Major:

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 25, 2016, we received your request for:

1. A copy of the personnel files of [REDACTED];
2. Any witness[es] that Metra intends to call to testify, including without limitation their disciplinary records, any notes taken of any interviews concerning this matter;
3. A copy of the collective bargaining agreement;
4. A copy of Metra’s employment policies and procedures;
5. Metra’s employee code of conduct;
6. Any reports for the last three years of violence against any Metra employee on Metra property;
7. Any communications between or concerning any Metra manager, officer, or lawyer with any union representative including without limitation [REDACTED] regarding [REDACTED];
8. Any notes concerning any verbal communications;
9. Any evidence of any other Metra employee who was subjected to a physical assault on Metra policy [sic] and then disciplined for their reaction to such violence; and
10. Any procedures relating to the hearing which is currently scheduled for May 2

(“Request”).

In an email we sent to you on April 25, 2016, we advised that your request as written was overly broad and would be disruptive to the day-to-day operations of the departments at Metra tasked with pulling and reviewing the requested documents. As such, your request is unduly burdensome. We asked that you narrow down the scope of your Request with the understanding that you could submit future requests for additional documents.

To date, we have not received a response from you. Accordingly, your Request is denied.

II. Denial

We are denying your Request as unduly burdensome 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 departments at Metra tasked with pulling and reviewing the requested documents. Further, your Request would severely interfere with the day-to-day operations of our department; and our ability to fulfill other FOIA requests, if required to take on this process, making your Request for these documents unduly burdensome. Since you did not reply to our email requesting that you narrow down the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing down 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 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