

July 27, 2015

VIA E-MAIL

Ms. Christine Tressel

Producer

WLS-TV

Email: Christine.M.Tressel@abc.com

RE: 15-FOIA-129 MPD Officer Info; Complaints for Y2015

Dear Ms. Tressel:

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 25, 2015, we received your request for the following public records:

- A complete database of all Metra Police officers. The database should include full name, address, including zip code, date of birth, position, department, hiring date, salary/hourly rate and designation; and
- All records regarding complaints filed against any Metra police officers from 2009 – 2015. This should also include any disciplinary action taken against a Metra police officer including, but not limited to suspension and termination

(“Request”).

We sent you an email on July 7th, requesting that you further clarify bullet point #2 to learn if you were looking for information for union police officers or management and to confirm that you were seeking complaints from the public with regards to associated discipline..

We advised that our initial search for records from 2014 and years prior did not result in any responsive documents and that a more extensive search for five years of records would be disruptive to the day-to-day operations of the department within the timeframe required under FOIA. We requested that you narrow your scope to 2015 records. You ultimately agreed, indicating that you would accept the records for Y2015 for now, and after receiving responsive documents for Y2015, you would submit a new request for each earlier year.

II. Responsive Documents

In response to your Request, Metra’s Payroll, Passenger Services, Corporate Administration, and Police Departments are providing you with the following records:

- A spreadsheet containing the names of all Metra police officers; including the date hired, job title (position) and salary (non-contract) / hourly (contract) rate; and
- Five complaints from 2015, as well as any documented follow-up. No associated discipline records were found.

(“**Responsive Documents**”).

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 home addresses 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.” “Home addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The complainant names and dates of birth 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.

IV. Denial

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, that portion of your Request seeking the police officers’ designations is denied under 49 CFR 1520.5 which exempts the release of “Security Sensitive Information” as classified by the Transportation Security Administration. Titles have remained, but where necessary, portions of titles were removed to avoid disclosing which officers work on special operations.

V. 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.

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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 any further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. E. Haton".

Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com

Attachments