

July 8, 2015

VIA E-MAIL

Mr. Michael Noland

General Manager

NICTD

Email: michael.noland@nictd.com

RE: 15-FOIA-131 Contract - PTC

Dear Mr. Noland:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

I. Background

On July 1, 2015, we received your request for a complete copy of the contract between Metra and Parsons Transportation Group for services in connection with Metra's implementation of Positive Train Control ("**Request**").

II. Responsive Documents

In response to your Request, Metra is providing you a partially executed copy of the Professional Services Agreement between Metra and Parsons Transportation Group, Inc., with Exhibits ("**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 insurance information contained within the Responsive Document is exempt from disclosure under Section 7(1)(s) of FOIA, which authorizes units of government to withhold "[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications." 5 ILCS 140/7(1)(s).
2. Exhibit 1-H "List of Assumptions" contained within the Responsive Documents, has been marked by the vendor as "Confidential and Proprietary". Section 7(1)(g) of FOIA states that "trade secrets and commercial or financial information obtained from a person or business" can be exempt "where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or

confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.” As the vendor has identified and specifically marked Exhibit 1-H as “Confidential and Proprietary,” it therefore falls squarely within this exemption.

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 any 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