

September 14, 2015

**VIA E-MAIL**

Mr. Robert Koback  
Russel G. Winick & Associates, P.C.  
Email: [rkoback@winicklaw.com](mailto:rkoback@winicklaw.com)

RE: 15-FOIA-174 Insurance Info; Copies of Emails, etc.

Dear Mr. Koback:

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 August 28, 2015, we received your request for:

1. Copies of any / all certificates of insurance and policy endorsements which cover claims and lawsuits brought against Metra by its executives or employees, or against Metra's Board of Directors (the "Board"), for claims leading to the adjudication regarding the Board's responsibility, or the misappropriation of funds and/or insure Metra and the Board's members against any wrong-doing, and copies of any rule, regulation, or ordinance(s) that address the same topic, and;
2. Copies of all emails, calendar items and appointments, and phone records including all electronic appointments, replies, declines, accepts and notes for Metra's Chief Executive Officer (CEO) for the week beginning June 8, 2015, and ending June 12, 2015

(“**Request**”).

We attempted to contact you on September 8<sup>th</sup>, by telephone to discuss the possibility of narrowing down the scope of your Request, but were told that you were out of the office. We then sent you an email on September 11<sup>th</sup>, advising that our search for “[c]opies of all emails, calendar items and appointments, and phone records including all electronic appointments, replies, declines, accepts and notes for Metra’s Chief Executive Officer (CEO) for the week beginning June 8, 2015, and ending June 12, 2015” yielded in excess of 800 emails, and many of those emails included attachments. We went on to state that to pull and review each document would be disruptive to the day to day operations of our department, and would inhibit our ability to process other FOIA requests. We asked if you would consider narrowing down the scope of your Request by increasing the specificity of your Request. As we have not received a response from you, 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.” The Request as written for “[c]opies of all emails, calendar items and appointments, and phone records including all electronic appointments, replies, declines, accepts and notes for Metra’s Chief Executive Officer (CEO) for the week beginning June 8, 2015, and ending June 12, 2015” yielded in excess of 800 emails, and many of those emails included attachments. To pull and review each document would be disruptive to the day to day operations of our department, and would inhibit our ability to process other FOIA requests.

As we have not received a response from you to narrow down the scope of you Request prior to the deadline, and it is not possible for Metra to be able to produce, review, and provide the responsive documents before the deadline without severely interfering with our day to day operations; and further, because the public interest in this information does not outweigh Metra's need to conduct its regular business, it has been determined by Attorney Thomas Stuebner that your Request is unduly burdensome and falls within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request to specific documents or subject matter.

### **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](mailto: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](mailto:FOIA@metrarr.com)