Metra
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547 W Jackson Blvd. Chicago, Illinois 60661 (312) 322-6900 TTY#1-312-322-6774

April 5, 2016

VIA FAX

Metropolitan Reporting Bureau
P.O. Box 926, William Penn Annex
Philadelphia, PA 19105-0926

RE: 16-FOIA-030   Police Report #14-030234

To Whom It May Concern:

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 February 9, 2016, we received your request for a copy of police report #14-030234 ("**Request**"). Your Request is granted in part and denied in part.

II.   Responsive Document

In response to your Request, Metra is providing you with a copy of the above-referenced police report ("**Responsive Document**").

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 Document are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, passwords, personal telephone number, home address, and driver's license number of the parties mentioned in the Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Employee identification numbers," "passwords," "personal telephone numbers," "home addresses," and "driver's license numbers" are specifically mentioned within the definition of "private information" found in Section 2(c-5) of FOIA.

2. 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.   Denial

The RC 4005 form mentioned in the Responsive Document is denied for the following reasons: Damage and injury reports are exempt under 5 ILCS 140/7(1)(m) and 5 ILCS 140/7(1)(s). 5 ILCS 140/7(1)(m) authorizes exemption from disclosure of "[m]aterials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body…" Damage and injury reports are prepared by Metra for several reasons, one of which is in anticipation of any possible legal proceedings that may stem from the occurred incident. Additionally, the above-mentioned reports are also exempt under 5 ILCS 140/7(1)(s), which authorizes exemption from disclosure of "loss or risk management information, records, data, advice or communications." These reports are maintained by Metra's Risk Management Department as part of its duties to identify, assess, and manage risks. Accordingly, the above-mentioned report is hereby denied.

V.   Right of Review

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor ("**PAC**") of the Illinois Attorney General's Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). 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.

You also have the right to seek judicial review of the partial denial of your Request 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,

Jamie V. Harrmann
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachment/Enclosure