



May 27, 2016

**VIA E-MAIL**

Mr. Stephen Gaudette  
Civil/Railroad Engineer  
Hanson Professional Services Inc.  
Email: [sgaudette@hanson-inc.com](mailto:sgaudette@hanson-inc.com)

RE: 16-FOIA-095 Metra Contracts

Dear Mr. Gaudette:

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 13, 2016, we received your request for copies of the following Metra Contracts:

- K60418;
- K43127;
- K43076;
- K42108; and
- K32894

(“Request”).

We contacted you on April 27, advising that your Request as written contemplated a large number of documents. To pull and review each document would be disruptive to the day-to-day operations of our Procurement and Law Departments, and would inhibit our ability to process other FOIA requests. We asked if you would consider narrowing the scope of your Request to three (3) contracts, with the understanding that you may submit future requests for additional records. You responded that same day agreeing to narrow your Request to Contract Nos.: K60418, K43076, and K42108. Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra is providing you with copies of Contract Nos.:

- K60418,
- K43076, and
- K42018 (Metra’s Procurement Department advised that this is correct number for the design of the UP West line Contract)

(“**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 Document are exempt from disclosure under certain provisions of FOIA:

1. The private information referenced in the Responsive Documents has been redacted under Section 7(1)(b) of FOIA. “Private information” is defined as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses," as well as home address, and personal license plates. 5 ILCS 140/2(c-5).
2. One page contained within the Responsive Documents is exempt from disclosure under Section 7(1)(g) of FOIA. Section 7(1)(g) 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.” 5 ILCS 140/7(1)(g). The above-referenced page is specifically marked as “Confidential” and therefore, falls squarely within this exemption.
3. Section 7(1)(s) FOIA 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). Accordingly, per Attorney Thomas Stuebner, all information regarding insurance within the Responsive Documents has been redacted.

### **IV. 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](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 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 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)  
FOIA Hotline #312-663-3642

Attachments