

May 3, 2016

VIA E-MAIL

Mr. Chris Andriesen

Illinois Policy Institute

Email: research@illnoispolicy.org

RE: 16-FOIA-096 Assorted Documents; Payments Y2015

Dear Mr. Andriesen:

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 14, 2016, we received your request for documents related to contracts between Metra and the following companies for the calendar Y2015:

- Cullen & Associates;
- William O. Lipinski;
- McGuirewoods Consulting, LLC
- John Terrence O'Connell;
- Matthew M O'Shea; and
- Raucci & Sullivan Strategies, LLC

Additionally, you requested documents showing payment from Metra to the above-referenced companies for Y2015 (“**Request**”).

I contacted you by phone on April 15 requesting clarification of the type of documents you were seeking with regard to “documents related to contracts,” and you stated you actually wanted the contracts between Metra and the companies, but if no contract was in existence between Metra and a particular company, then you wanted notes, memoranda, and communications related to the company.

On that same day, I sent you an email summarizing our conversation, and advising as written, your Request involved a voluminous amount of documents to be gathered and reviewed. I explained that this task would be disruptive to the day-to-day operations of the departments tasked with gathering this information; and would also be disruptive to the day-to-day operations of the FOIA department, thereby inhibiting our ability to process other FOIA requests. You responded by email on April 19, agreeing to narrow the scope of your Request down to the Y2015 contracts between Metra and:

- Cullen & Associates;
- William O. Lipinski; and

- McGuirewoods Consulting, LLC

Further, you asked if we would still be able to provide the payment information for all of the companies as noted in your Request for Y2015. I responded to your email on April 19, acknowledging your narrowed request and stated that we would provide the payment information for all of the companies for Y2015 (“**Narrowed Request**”).

II. Responsive Documents

In response to your Narrowed Request, Metra is providing you with the Y2015 contracts between Metra and:

- Cullen & Associates;
- William O. Lipinski (d/b/a Capricorn Communications, LLC); and
- McGuirewoods Consulting, LLC

We are also providing you with a spreadsheet showing payments made to all of the companies as noted in your original Request for Y2015 (“**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. Private information contained within 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. Personal information mentioned in the Responsive Documents has been redacted because it is 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.”
3. Certain commercial and financial information contained within the Responsive Documents are exempt from disclosure under Section 7(1)(g) of FOIA. 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.”

4. Information regarding insurance has been redacted 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).

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

Sincerely,



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

Attachments