

April 29, 2016

VIA E-MAIL

Ms. Ruth I. Major

Major Law

Email: rmajor@major-law.com

RE: 16-FOIA-100 Records 2009 to Present - [REDACTED]

Dear Ms. Major:

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 15, 2016, we received your request for any reports or records of the Metra Police Department from 2009 through the present involving [REDACTED], including, but not limited to, matters reported to the Metra Police Department by [REDACTED], and matters reported by others to the Metra Police Department concerning the behavior, statements, and/or actions of [REDACTED], including any documents, photographs, audio or visual recordings, or other records attached to any such reports (“Request”).

Metra Attorney Thomas Stuebner spoke to you by phone concerning your Request on April 20, and you agreed to narrow down the scope of your Request to only police reports, with the understanding that you may submit future requests for additional information.

II. Responsive Documents

In response to your Request, Metra’s Police Department is providing you with copies of police report #11-018490 and #MP-16-00006521 containing witness statements (“Responsive Documents”). We understand that this copy of the report is lacking and we are searching for a clearer version. Once we are able to obtain the clearer version, we will supplement this request.

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

2. The dates of birth, physical descriptions of the parties, results of drug and alcohol screenings, as well as the names of third-parties mentioned in the Responsive Documents, are being redacted because they are 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.” It has been determined that the aforementioned data falls squarely within that definition and its redaction is appropriate under FOIA.
3. 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 party 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. 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 service to you, please do not hesitate to contact me.

Sincerely,



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

Attachments