

April 27, 2016

**VIA E-MAIL**

Mr. Christopher Daniels  
[REDACTED]

RE: 16-FOIA-106 Police Report #MP-16-00013940

Dear Mr. Daniels:

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 20, 2016, we received your request for a copy of police report #MP-16-00013940 (“**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 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 driver’s license number, employee identification number, password, personal telephone number, and home address 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.” “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 date of birth and physical descriptions of the parties, as well as the name of the third-party mentioned in the Responsive Document, 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 descriptions 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 module images mentioned in the Responsive Document are being withheld in their entirety under Section 7(1)(d) of FOIA, as these photos were obtained from the surveillance camera depicting an armed robbery on Metra property. Section 7(1)(d) of FOIA states:

Records in the possession of any public body created in the course of administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

- (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request; and
- (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

It has been determined by Attorney Thomas Stuebner that the aforementioned photographs fall squarely within that definition and their exemption is appropriate under 7(1)(d) of FOIA.

#### **V. 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](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.

Mr. Christopher Daniels  
16-FOIA-106 Police Report #MP-16-00013940  
Page 3 of 3

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,

A handwritten signature in blue ink that reads "K. E. Haton".

Kathleen E. Haton  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642

Attachment