



July 14, 2016

VIA E-MAIL

Mr. Neal Gainsberg
Gainsberg Law, P.C.
1 South Dearborn
21st Floor
Chicago, IL 60603
Email: neal@gainsberglaw.com

RE: 16-FOIA-177 Incident Reports - Injury to [REDACTED] 6/29/2016

Dear Mr. Gainsberg:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On July 7, 2016, we received your request for all incident reports and documents regarding injuries sustained by [REDACTED] at the Metra Blue Island Coach Yard on June 29, 2016, at approximately 10:30 p.m. Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s Safety Department is providing you with a copy of the completed Employee Work Status Report and Metra’s Railroad Employee Injury and/or Illness Report (“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. The employee identification number, personal telephone number, and home address of the party 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.” “Employee Identification numbers,” “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 description of the party 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.

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,



Sonserese Hatch
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments