



September 13, 2016

VIA U.S. MAIL

Mr. Mark Whiteside, Esq.
c/o Huner Law Offices, LLC
850 W. Jackson Blvd., Ste. 725
Chicago, IL 60607

RE: 16-FOIA- 217 Records - [REDACTED] 6/28/2016

Dear Mr. Whiteside:

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

I. Background

On August 29, 2016, we received your request for all records, written reports, and statements pertaining to the fatality involving [REDACTED], who was struck by a Metra train on June 28, 2016 (“Request”).

We sent you an email on September 2 and left you a voicemail on September 12, indicating that the requested records concern a minor; we asked that you provide verification of your representation of the estate of [REDACTED], respectively. As we have not received a response from you, your Request is denied.

II. Denial

The requested records contain information regarding the disposition of a case involving a minor. Section 7(1)(a) of FOIA authorizes units of government to withhold “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.” 5 ILCS 140/7(1)(a). The Juvenile Court Act, in pertinent part, states that “Law enforcement officers ... may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.” 705 ILCS 405/1-7(E). As noted above, the records contain information involving a minor and as such, it has been determined by Attorney Thomas Stuebner that your Request for these records is denied.

You may re-submit your request for these records by sending verification of your representation of the estate of
[REDACTED]

III. Right of Review

You have the right to have the 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your 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
FOIA Hotline #312-663-3642