March 17, 2017

<u>**VIA EMAIL**</u>
Mr. Patrick Keating
Email: pkeating@RMcZlaw.com

RE: 17-FOIA-073 Complaints re campaign signs

Dear Mr. Keating:

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.   <u>Background</u>

On March 10, 2017, we received your request for any communications received from any source complaining about (or referring to complaints about) campaign or other sings on or near Metra Property at the Flossmoor, IL (Metra Electric) Train station between March 1, 2017 and the present and any dispatch records, incident reports or records, or police reports relating to the removal and disposal of campaign signs by Metra Police Officer(s) on March 7,8, or 9, 2017 at the same location ("**Request**"). Your Request is granted in part and denied in part.

II.   <u>Responsive Document</u>

In response to your Request, Metra is providing you with Metra Police Report #MP-17-000-10007 ("**Responsive Document**").

III.   <u>Partial Denial</u>

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Jamie Harrmann has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The employee numbers 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." "Employee numbers" 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 parties 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.

Metra's Communication Department and Police Department inform us that Metra did not receive any other complaints regarding campaign signs on or near Metra property at the Flossmoor, IL Metra Electric Train Station. Metra's Real Estate Department informs us that the campaign sign was posted on Metra property, outside of any leased area and permission was not granted to install the campaign sign.

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

Attachment