



January 10, 2019

VIA E-MAIL

Ms. Carleen Mosbach
ABC7CHICAGO / WLS-TV
Email: Carleen.R.Mosbach@abc.com

RE: 19-FOIA-007 Train Video 12/17/2018 Incident

Dear Ms. Mosbach:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

I. Background

On January 9, 2019, we received your request for any and all video that Metra trains and any other videos Metra may have that show or possibly show, Chicago police officers on the tracks possibly chasing a suspect near 103rd and Cottage Grove on Monday, December 17, 2018 (“**Request**”).

II. Responsive Documents

In response to your Request, Metra’s Mechanical department is providing you with front and rear facing videos retrieved from Metra Train no. 136, Car 1306 and Train no. 151, Car 1233, showing that stretch of track before and after the incident.

The train that fatally struck the two Chicago Police Department officers was a South Shore train, operated by the Northern Indiana Commuter Transportation District (“NICTD”). You may submit your request for train videos to NICTD at:

NICTD
33 E. U.S. Highway 12
Chesterton, IN 46304
Phone: 219-926-5744
Email: <https://www.mysouthshoreline.com/contact/>

III. Denial

Metra Police department officers’ body worn camera footage is denied in its entirety 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 camera footage falls squarely within that definition and its denial in its entirety 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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments