



January 24, 2019

VIA E-MAIL

Mr. Raul A. Moreno

WBBM-TV Chicago

Email: wbbmtvdesk@cbs.com

RE: 19-FOIA-017 Metra UP-W train vs Car in Lombard on 2019-01-14

Dear Mr. Moreno:

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 January 15, 2019, we received your request for all video, audio, and documents regarding a vehicle that was hit by a train in Lombard, IL near the intersection of Grace Street and St. Charles on January 14, 2019 (“**Request**”). Your Request is granted in part and denied in part.

II. Responsive Document

In response to your Request, Metra is providing you with the documents/information in its possession. Specifically, Metra is providing you with Metra Police Report No. MP-18-00002478 (“**Responsive Document**”).

The Union Pacific West line referenced in your Request is owned and operated by the Union Pacific Railroad (“UP”). We contacted the UP and asked them to release to us any audio and video(s) responsive to your Request. In their response, the UP stated that they do not honor FOIA requests. The requested records are non-public records and therefore, not subject to production under the Purchase of Service Agreement between the UP and Metra, or the FOIA.

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 Keith Pardonnet has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The unique identifier, driver’s license number, employee identification number, passwords, personal telephone number, home address and personal license plate number of the parties mentioned in the Responsive Document are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Unique identifiers,” “driver’s license numbers,” “employee identification numbers,” “passwords,” “personal telephone number,” “home addresses,” and “personal license plate numbers” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.

2. The dates of birth, physical descriptions, and insurance policy numbers of the parties mentioned in the Responsive Document, are 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, and driver’s license number of the parties mentioned in the report 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. 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:

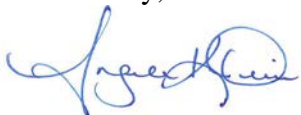
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

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,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachment