



March 1, 2019

VIA E-MAIL

Ms. Shanta Williams
Department Head
Office of Business Diversity & Community Relations
Email: jrthomas@metrarr.com

RE: 19-FOIA-057 Police Report #MP-19-00008878

Dear Ms. Williams:

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 February 26, 2018, we received your request for a police incident report #MP-19-00008878, filed on February 20, 2019 (“**Request**”). Your Request is granted in part and denied in part.

II. Responsive Document

In response to your Request, Metra’s Police Department is providing you with the above-referenced incident report (“**Responsive Document**”).

The Metra Police Department does not maintain records of outside agencies. As such, the Evanston Police Report #19-510168, as mentioned in the Responsive Document, may be requested by contacting the Evanston City Clerk at: <https://www.cityofevanston.org/government/city-clerk/freedom-of-information-act>.

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 employee identification number and password 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.” “Employee identification numbers,” and “passwords” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The dates of birth and physical description 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 LEADS information mentioned in the Responsive Document has been redacted per Section 7(1)(d-5) of FOIA. Section 7(1)(d-5) states that, “law enforcement record[s] created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the records, and only has access to the record through the shared electronic record management system” is exempt from disclosure. It has been determined that the LEADS information contained therein falls within these definitions and is appropriately redacted 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

Attachment