



April 5, 2019

VIA EMAIL

RE: 19-FOIA-083 Complaints/Names/Photos MED Conductors

Dear [REDACTED]:

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 March 21, 2019, we received your request for records of complaints against Metra conductors. Specifically, you requested the names and pictures of Metra conductors working the 8:40 a.m. Metra Electric District (“MED”) Hyde Park / South Chicago train on Thursday, March 21, 2019 (“Request”).

I sent you an email on March 21 regarding that portion of your request for “records of complaints against Metra conductors”. I asked if you would provide us with the time frame for the complaints and for clarification, if were you seeking complaints against all Metra conductors or only conductors working on a specific train line. You responded that same day and indicated that you were seeking complaints against one conductor to see if there was a history of complaints. You further indicated that you did not have the name of the conductor and wanted to receive photos of those conductors working on the above-referenced train line on the date and time frame noted, in order to identify the one conductor of interest.

On March 26, I sent you an email asking that you call to discuss your Request, which you did. As discussed, in the interest of saving time, you verbally identified the MED conductor working on said date and time as an African American male. This conductor is the Metra employee you were interested in receiving a history of complaint records about.

Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with copies of complaints received regarding the above-referenced conductor for years 2015, 2016 and 2018. There were no complaints located for 2013, 2014, 2017, or for January 2019 to date. Please note this conductor began his employment with Metra on March 4, 2013.

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, personal telephone numbers, personal email addresses and home address of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Employee identification numbers,” “personal telephone numbers,” “personal email addresses,” and “home addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The physical description and third-party names mentioned in the Responsive Documents, 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.

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