



July 18, 2019

VIA E-MAIL

Ms. Jessica Smith

Cigna Group Insurance

Email: Jessica.Smith@Cigna.com

RE: 19-FOIA-180 MPD Report re [REDACTED] on 2019-05-22

Dear Ms. Smith:

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 July 3, 2019, we received your request for a copy of the police report pertaining to [REDACTED] being struck by Metra train no. 419 on May 22, 2019 (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra’s police department is providing you with a copy of report #MP-19-00024617, with six (6) supplemental reports.

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, passwords or other access codes, medical records / information, personal telephone numbers, home address, and personal license plate numbers 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,” “passwords or other access codes,” “medical records,” “personal telephone numbers,” “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 names of third-parties, dates of birth, and physical descriptions of the parties 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. Denial

The photographs shared and referenced in the Responsive Documents are denied in their entirety 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 their exemption from release is appropriate under FOIA.

MPD suggests the Will County Coroner’s office may be able to provide you with information that may be useful in your accidental death investigation. You can submit a FOIA request to this office in person, by fax, or email using the following information:

Mary Baudino, Chief Administrative Director
158 N. Scott Street
Joliet, IL 60432
P: (815) 727-8455
F: (815) 727-8816
E: coronerrequests@willcountyllinois.com

VI. Right of Review

You have the right to have the 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,



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

Attachments