



August 27, 2019

VIA E-MAIL

Ms. Denell Gholston

Legal Assistant

Gregg Mandall Law

Email: gm1227law@yahoo.com

RE: 19-FOIA-229 MPD Report - Olympia Fields D/A 5/10/2019

Dear Ms. Gholston:

Metra's FOIA Department ("FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("**FOIA**").

I. Background

On August 13, 2019, the FOIA Department received your request for a copy of the Metra Police Department accident/crash, incident report concerning your client, [REDACTED]; a passenger in a vehicle operated by [REDACTED], who struck a Metra fence and came to rest on Metra property at 3120 W. 203rd Street, Olympia Fields, IL on May 10, 2019 at or about 2:13 a.m. ("**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 incident report #MP-19-00022413, with attached citation #R0034198 ("**Responsive Document**").

Metra's Police Department does not maintain records of outside agencies. As such, the 10 50 report, traffic citations and report #19-OF03184 completed by the Olympia Fields Police Department as referenced in the Responsive Document, may be requested by contacting the Olympia Fields Police Department.

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

1. The driver's license number, employee identification numbers, passwords or other access codes, home address and vehicle 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." "Driver's license numbers," "employee identification numbers," "passwords or other access codes," "home addresses," and "vehicle license plate numbers" are specifically mentioned within the definition of "private information" found in Section 2(c-5) of FOIA.

2. The date of birth and physical description of the party 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.

Sincerely,



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

Attachment