



September 13, 2019

VIA EMAIL

LexisNexis

Attn: Ms. Angelica Jerez, Claims Adjuster

Email: cru.incoming@lexisnexisrisk.com

RE: 19-FOIA-231 Report #19-00036939; Your Tran No.: [REDACTED]

Dear Ms. Jerez:

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 14, 2019, the FOIA Department received the following request from you for Metra police report #MP-19-00036939 ("**Request**"). Your Request is granted in part and denied in part.

II. Responsive Documents

Metra is providing you with the following records in response to your Request:

- Metra police report #MP-19-00036939;
- Illinois Traffic Crash Report #U190338395; and
- Citation & Complaint #R038437

("Responsive Documents").

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, driver's license numbers, passwords and other access codes, personal telephone number, home address and personal license plate numbers referenced 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," "driver's license numbers," "passwords and other access codes," "personal telephone numbers," "home address," 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 and physical descriptions of the parties mentioned in the Responsive Documents, as well as the vehicle insurance policy number 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 information 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.
4. The LEADS information mentioned in the Responsive Documents 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

A person whose request to inspect or copy a public record that was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor (“**PAC**”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b)). 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.

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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

Attachments