



September 18, 2019

VIA E-MAIL

Mr. Michael Hornung
[REDACTED]

RE: 19-FOIA-257 College/University Degrees - Metra; Job Postings

Dear Mr. Hornung:

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 September 4, 2019, the FOIA Department received your request for "information regarding the educational backgrounds of certain Metra employees." You requested the following information:

1. What number of non-contract employees working in Metra's transportation, mechanical, and engineering departments have a bachelor's degree;
2. What number of non-contract employees working in Metra's transportation, mechanical, and engineering departments have a postgraduate education;
3. Which of the following executives have a degree from an accredited college or university? If they have a degree, what school is it from:
 - a) James M. Derwinski
 - b) Bruce M. Marcheschi
 - c) John A. Milano
 - d) Sue-Ann Rosen
 - e) William "Skip" Benz
 - f) Lynnette H. Ciavarella
 - g) Jayne K. Deno
 - h) Thomas Farmer
 - i) Paul A. Kisielius
 - j) Cherie J. Kizen
 - k) Hilary Konczal
 - l) Kevin McCann
 - m) Joseph M. Perez
 - n) Martin Ryan
 - o) Janice R. Thomas; and
4. Please provide a copy of all the job postings for non-contract positions from January 1, 2017 thru June 30, 2019.

Please mail the requested information to:
9338 Jefferson Ave.
Brookfield, IL 60513

(“Request”)

In an email sent to you on September 17, 2019, the FOIA Department informed you that to fulfill your request as written, Metra’s Human Resources department would need to pull the hardcopy personnel files of each non-contract employee in the transportation, mechanical and engineering departments, as well as those executives noted in your request, to locate the educational information for each of these employees. This task would cause excessive disruption to Metra’s Human Resources Department and its day-to-day operations, and would severely interfere with the FOIA Department’s ability to fulfill other requests. As to item no. 4 of your request for 2-1/2 years’ worth of non-contract job postings, this portion of your request contemplates a large number of records to be gathered and reviewed. The FOIA Department has determined that compliance with your Request, as written, would be unduly burdensome. Accordingly, the FOIA Department requested that you narrow the scope of your Request to manageable proportions. The FOIA Department asked that you respond to the September 17 email and let us know if you were agreeable to narrowing the scope of your request and to also provide your new, narrowed scope of request in your response. As we have not received a response from you, your Request is denied.

II. Denial

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” Your Request as written is overly broad and would be disruptive to the day-to-day operations of Metra’s Human Resources department tasked with pulling the hardcopy personnel files of each non-contract employee in the transportation, mechanical and engineering departments, as well as those executives noted in your Request, to locate the educational information for each of these employees. In addition, your request for 2-1/2 years’ worth of non-contract job postings contemplates a large number of records to be gathered and reviewed. Further, the FOIA department would need to review any records that may be responsive to your Request, severely interfering with the day-to-day operations of our department and inhibiting our ability to fulfill other FOIA requests, thus making your Request for these records unduly burdensome. Since you did not reply to our email requesting that you narrow the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

III. 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 denial letter. 5 ILCS 140/9.5(a).

Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your 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