

November 18, 2015

VIA E-MAIL

Ms. Lauren E. Raupp
Phillips Cyberman & Stein
Attorneys at Law
Email: lauren@pcs-law.net

RE: 15-FOIA-233 Police Report #15-34270

Dear Ms. Raupp:

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 November 4, 2015, we received your request for an un-redacted copy of Metra report #15-34270, pertaining to an accident involving an Amtrak train and a dump truck on September 4, 2015, on Caldwell and Devon in Chicago ("Request"). Your Request is granted in part and denied in part.

II. Responsive Document

In response to your Request, Metra is providing you with the above-referenced police report ("Responsive Document").

The Metra Police Department advised that they do not have the SR 10-50 accident report under CPD RD HY410248 prepared by Chicago Police Officer Keefe, or Amtrak Police Department's case #15-01106 as referenced in the Responsive Document. You may contact the FOIA officers of these respective police departments at:

Freedom of Information Officer
Chicago Police Department
Records Division (Unit 163)
3510 South Michigan Avenue
Chicago, Illinois 60653
Email: foia@chicagopolice.org

Amtrak FOIA Office
60 Massachusetts Avenue, NE
Washington, DC 20002
Fax: 202-906-2004
Email: foiarequests@amtrak.com

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

1. The employee identification numbers, passwords, home address, driver's license number, and vehicle license plate number of the parties mentioned in the Responsive Document are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Employee identification numbers," "passwords," "home addresses," "driver's license numbers," 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 the physical description of the parties, as well as the name of the third-party mentioned in the Responsive Document are being 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, driver's license number, and physical description of the party mentioned in the Responsive Document is 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.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton

Freedom of Information Officer

FOIA@metrarr.com

Attachment