



September 11, 2019

VIA U.S. MAIL

Mr. Jeffrey A. Dooley
Investigations Manager
Carnegie Hero Fund Commission
436 Seventh Ave., Ste. 1101
Pittsburgh, PA 15219-9923

RE: 19-FOIA- 249 Report 1/14/2019 – Train vs. Automobile near Grace and St. Charles, Lombard

Dear Mr. Dooley:

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 27, 2019, the FOIA Department received your request for a report concerning the prevention of a 96-year-old woman from being struck by an oncoming train near Grace and St. Charles in Lombard on January 14, 2019 (“Request”). Your Request is granted in part and denied in part.

II. Responsive Document

In response to your Request, Metra is providing you with Metra Police report no. MP-19-00002478 (“Responsive Document”).

Metra’s Police Department does not maintain records of outside agencies. As such, the Lombard Police Department report #19-01924 as referenced in the Responsive Document, may be requested by contacting the Lombard 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, personal telephone number, 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,” “personal telephone numbers,” “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 dates of birth and physical descriptions of the parties, as well as the vehicle insurance policy number 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

Enclosure