



February 3, 2017

VIA E-MAIL

Mr. Chip Pew
Illinois Commerce Commission
Rail Safety Program
Email: cpew@icc.illinois.gov

RE: 17-FOIA-028 Request for report for fatality at Nagle Avenue

Dear Mr. Pew:

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 February 2, 2017, we received your request for a copy of the report, diagram and narrative for the incident that occurred on Friday, January 26, 2017 near Nagle Avenue in Chicago (“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with Metra Police Report #MP-17-000-03562, Supplemental Report and Diagram (“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 Jamie Harrmann has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The employee identification numbers, passwords, home address, personal telephone number and personal 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,” “personal telephone number,” and “personal 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, insurance policy number, victim’s name and physical description of the parties 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.

Please note that any other documents mentioned in the Responsive Documents may be requested through a separate FOIA request to Metra’s FOIA department.

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,



Sonsere Hatch
Freedom of Information Officer
foia@metrarr.com
FOIA Hotline #312-663-3642

Attachments