



April 21, 2017

VIA E-MAIL

Ms. Dee Upton
[REDACTED]

RE: 17-FOIA-046 Information re LIQ #35990

Dear Ms. Upton:

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 14, 2017, we received your request for information regarding Metra’s LIQ #35990 (“LIQ”), specifically:

- The names of respondents;
- Response Tabulations; and
- Electronic copies of each firm’s response to the LIQ

(“Request”). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with copies of the Board Summary and the following bidding firms’ proposals to Metra’s Letters of Interest & Qualifications No. 35990:

- Carnow, Conibear & Assoc., Ltd.
- CDM Smith, Inc.
- Environmental Design International, Inc.
- Professional Service Industries, Inc.
- Terracon Consultants, Inc.
- Weaver Consultants Group

(“Responsive Documents”). Metra’s Procurement Department informs us that RPS Gaia Tech, Inc.’s proposal was deemed non-responsive for failing to satisfy the DBE requirement and is therefore not included in this response.

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The social security number, personal financial information, personal email addresses, home addresses and personal phone numbers of the parties mentioned in the Responsive Documents are being redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Social Security number,” “personal financial information,” “personal email addresses,” “home addresses,” and “personal telephone numbers” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The customer codes, professional license numbers and insurance policy numbers of the parties mentioned in the Responsive Documents 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, “[u]nwarranted 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).

Additionally, per the Identity Protection Act, “[n]o person or State or local government agency may . . . [p]rint an individual’s social security number on any materials . . . through . . . electronic mail[.]” Additionally, Section 10(b)(1) prohibits the disclosure of a social security number, unless:

- (i) required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose. 5 ILCS 179/10(a)(4).

4. Section 7(1)(s) of FOIA authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self- insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Thomas Stuebner, all information regarding insurance within the Responsive Documents have been redacted.

IV. Right of Review

A person whose request to inspect or copy a public record 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.

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,



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

Attachments