

September 24, 2015

VIA E-MAIL

Mr. Daniel L. Hamilton
Brown Hay & Stephens, LLP
Email: dhamilton@bhslaw.com

RE: 15-FOIA-182 Communications, etc. – Davidoff Communications

Dear Mr. Hamilton:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

I. Background

On September 3, 2015, we received your request for electronic copies of the following information:

Copies of any and all communications, recommendations, and documents related to work performed by the firm Davidoff Communications on behalf of or in any way related to work performed by the firm Davidoff Communications on behalf of or in any way related to Metra, dated or occurring up to 3 years prior to the date of this request. This request shall include but not be limited to: (1) any and all communications by and between Davidoff Communications (or any intermediary acting on or behalf of Davidoff Communications) and Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members), and (2) any and all recommendations and/or documents provided by or to Davidoff Communications by or to any Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Davidoff Communications, Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members)

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

We contracted you on September 9, 2015, asking if you would consider narrowing down the scope of your Request by either increasing the specificity or reducing the time period. You responded on September 10, agreeing to reduce the time period to “relevant documents to those dated or occurring in calendar year 2015.” We contacted you on September 11, 2015, asking if you would consider narrowing down the scope of your request to one months’ worth of emails beginning with the month of February as there were no responsive emails for the month of January of 2015. You responded later that same day agreeing to narrow the scope of your Request to the first three months’ of calendar year 2015, with the understanding that additional requests would follow for subsequent three month periods. We contacted you on September 17, 2015, asking if you would consider narrowing down the scope of your request to the records

gathered for February of 2015. You responded on September 18, 2015, agreeing to month by month responses.

II. Responsive Documents

In response to your Request Metra is providing you with communications by and between Davidoff Communications (or any intermediary acting on behalf of Davidoff Communications) and Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Member (or any intermediary acting on or behalf of Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members) for the Month of February, 2015.

(“Responsive Documents”).

III. Partial Denial

1. Section 7(1)(s) of FOIA authorizes unites 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, any information regarding insurance within the Responsive Documents has been redacted.
2. Draft Scope of Work Compensation Pages marked as “Draft” are exempt from disclosure under Section 7(1)(f) of FOIA, which exempts “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f).
3. Personal information contained within the Responsive Documents is being redacted 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 . . . [.]” 5 ILCS 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.”
4. The personal financial information (insurance policy numbers) of the party mentioned in the Responsive Documents is being redacted because it is exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Private information” is defined as unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home addresses and personal license plates which are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA. (5 ILCS 140/2(c-5)).

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,



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

Attachment