

October 30, 2015

**VIA E-MAIL**

Ms. Michele A. Youngerman

CBS2

Email: [MAYoungerman@cbs.com](mailto:MAYoungerman@cbs.com)

RE: 15-FOIA-206 Narrowed Request for Injury Complaints/Claims/Incidents/Reports Y2012 - Present

Dear Ms. Youngerman:

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 October 16, 2015, we received your narrowed request for any records, (complaints, claims, etc.) involving people injured, or at risk of injury, when stepping off a train at the following Metra locations during the years 2012 – present:

North Glen

Lake Bluff

Clarendon Hills

Union Station Track 2

Union Station Track 4

(“Request”).

**II. Responsive Documents**

In response to your Request, Metra’s Risk, Safety and Police departments are providing you with the following records. Please note that Metra does not maintain a unified database between its Risk, Safety, and Police Departments who would receive notification of passenger injuries and Metra does not generally keep statistics for these matters:

- A spreadsheet received from the Risk Department covering the time frame of 2012 – 2015 for Union Station. The Risk Department advised that they do not have any records for North Glenview for the requested time frame; nor do they maintain records specific to the individual tracks at Union Station. The noted injury that occurred on 11/20/2013 was specific to the BNSF train line. Injury records are not kept for this train line, the Union Pacific train lines or Amtrak;
- A PDF document received from the Safety Department containing information on two reported injury incidents during the requested time frame: one injury occurred at the North Glenview station on 11/4/2013, and the other incident occurred on Track 4 at Union Station on 11/10/2014; and

- Two (2) police reports received from the Police Department: 2012 (#12-041174) and 2014 (#14-014342) for injuries occurring at Union Station. The Police Department has advised that they did not receive a copy of Amtrak report #14-014342, as referenced in their report #14-047023. Further, the Police Department informed us that injury incident reports would not be generated by their department as the respective carriers - Union Pacific / BNSF / Amtrak - and the municipal police departments, are responsible for the locations noted in your request.

**(“Responsive Documents”).**

After performing a diligent search of Metra’s records, we have been unable to locate any records responsive to that portion of your Request concerning the Lake Bluff and Clarendon Hills stations. The Union Pacific North line services the Lake Bluff station, and the BNSF line services the Clarendon Hills station. As previously noted, injury records are not kept for the Union Pacific or BNSF railroads.

**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 employee identification numbers, personal telephone number, and home address 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.” “Employee identification numbers,” “personal telephone numbers,” and “home addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The names of the injured parties and those of the third-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, “‘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 information falls squarely within that definition and their 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 any physical description of the parties mentioned in the Responsive Document 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. Denial**

Two (2) Property Damage/Personal Injury Reports (a/k/a RC 4005 form) are denied in their entirety for the following reasons: Damage and injury reports are exempt under 5 ILCS 140/7(1)(m) and 5 ILCS 140/7(1)(s). 5 ILCS 140/7(1)(m) authorizes exemption from disclosure of “[m]aterials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body....” Damage and injury reports are prepared by Metra for several reasons, one of which is in anticipation of any possible legal proceedings that may stem from the occurred incident. Additionally, the above-mentioned reports are also exempt under 5 ILCS 140/7(1)(s), which authorizes exemption from disclosure of “loss or risk management information, records, data, advice or communications.” These reports are maintained by Metra’s Risk Management Department as part of its duties to identify, assess, and manage risks. Accordingly, the above-mentioned report is hereby denied.

#### **V. 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](mailto: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 service to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton  
Freedom of Information Officer  
[FOIA@metrarr.com](mailto:FOIA@metrarr.com)

Attachments