



August 21, 2019

**VIA E-MAIL**

Mr. Brian Shanahan

TCU

Email: [shanahanb@tcunion.org](mailto:shanahanb@tcunion.org)

RE: 19-FOIA-227 Metra & UPRR PSA

Dear Mr. Shanahan:

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 7, 2019, the FOIA Department received your request for an opportunity to inspect or obtain copies of public records that contain the resolution or contract authorizing entry into an agreement (Purchase Service Agreement) with the Commuter Rail Division of the Regional Transportation Authority, A division of and Illinois municipal corporation (Metra) and the Union Pacific Railroad Company; you requested a copy of the following information: a copy of the Purchase of Service Agreement between the Commuter Rail Division of the Regional Transportation Authority (Metra) and the Union Pacific Railroad Company ("**Request**").

The FOIA Department contacted you via email on August 8 seeking clarification as to whether you were requesting two (2) records, or if you were only seeking the Purchase Service Agreement ("**PSA**") between Metra and the Union Pacific ("UP"). You responded you were only interested in receiving the PSA between Metra and the UP. Your Request is granted in part and denied in part.

**II. Responsive Document**

Metra is providing you with the above-referenced PSA, with Exhibits ("**Responsive Document**").

**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 Keith Pardonnet has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The personal financial information (account numbers), medical records, personal telephone number and home address of the party mentioned in the Responsive Document are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Personal financial information," "medical records," "personal telephone numbers," and "home addresses" are specifically mentioned within the definition of "private information" found in Section 2(c-5) of FOIA.
2. A physical description and names of third-parties 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. The insurance information referenced in the Responsive Documents is exempted from disclosure under Section 7(1)(s) of FOIA which 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).

#### **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](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.

Sincerely,



Kathleen E. Haton  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642

Attachment