



September 18, 2019

VIA E-MAIL

Ms. Denise Eckert

Guardian Life Claims

Email: denise_eckert@glic.com

RE: 19-FOIA-258 MP Report re [REDACTED]

Dear Ms. Eckert:

Metra's FOIA Department ("the 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 September 4, 2019, the FOIA Department received your request regarding "our vendor Mid West Record Retrieval has been trying to obtain a copy of the police / incident report for a death that occurred on March 11, 2019, where a train struck a pedestrian" ("**Request**"). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, the FOIA Department is providing you with Metra Police Report No. MP-19-00012164 and Supplemental Report ("**Responsive Documents**").

Metra does not maintain reports of outside entities. For a copy of the Medical Examiner's Report No. ME-2019-01142 referenced in the Responsive Documents please reach out to the Cook County Medical Examiners Office directly.

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 Aruj Chaudhry has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The driver's license number, employee identification numbers, and home address of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Driver's license numbers," "employee identification 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 third parties, dates of birth, and physical descriptions of the parties mentioned in the Responsive Documents 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. 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, physical descriptions, and driver’s license number of the parties mentioned in the report 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

The photographs referenced in the Responsive Documents are withheld in their entirety 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 photographs fall squarely within that definition and their exemption from disclosure is appropriate under FOIA.

V. Right of Review

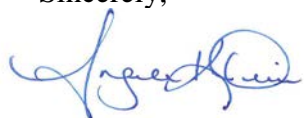
You have the right to have the partial denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

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.

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,



Angela K. Ollie
Freedom of Information Officer

FOIA@metrarr.com

FOIA Hotline #312-663-3642

Attachments