

August 8, 2019

**VIA E-MAIL**

Mr. Jim Baltzer  
[REDACTED]

RE: 19-FOIA-220 Info - IFB 37567

Dear Mr. Baltzer:

Metra's FOIA Department ("FOIA Department") is 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 August 1, 2019, the FOIA Department received your Request for copies of all records, documents, reports, forms, writings, letters, memos, books, papers, photos, microfilms, interoffice memos, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information from January 1, 2016 through and including July 31, 2019 for IFB 37567 (battery recycling contract for Metra) ("**Request**").

The FOIA Department acknowledged receipt of your Request and informed you that it considered your Request to be for records to be used for a commercial purpose unless you could demonstrate under 5 ILCS 140/3(c) and 140/2(c-10) that your request was not for a commercial purpose. In addition, the FOIA Department asked that you narrow the scope of your Request because, as written, it was unduly burdensome under 5 ILCS 140/3(g). Apart from simply responding that your request was not for commercial purposes, you failed to demonstrate why you should not be considered a commercial requester. Exhibit A.

Despite numerous attempts by the FOIA Department to cooperate with you to narrow the scope of your Request, you ultimately refused to narrow your Request in any manner. Accordingly, your Request is denied.

**II. Denial**

The FOIA Department is denying your Request under 5 ILCS 140/3(g), which states that a public body may deny a request where "compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." To request, for instance, copies of "*all* records" including but not limited to "writings, letters, memos, books, papers" created over the course of 1,308 days would require Metra to undertake a lengthy search of its various departments for *anything* written on paper that may or may not be responsive to your Request. Your broad and voluminous Request, which you repeatedly refused to narrow, would be disruptive to the day-to-day operations of the various departments, including the FOIA Department, tasked with locating and reviewing the requested records. Your

Request, as written, therefore creates a substantial burden on Metra that outweighs any public interest in the information.

Since you refused to narrow the scope of your Request, it has been determined by Attorney Keith Pardonnet that its denial as unduly burdensome is appropriate as your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

### **III. 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:

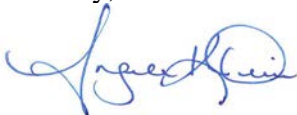
Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Angela K. Ollie  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642

Attachment