



September 27, 2019

**VIA E-MAIL**

Ms. Heather Bryon

Claims Adjuster

LexisNexis

Email: [clu.incoming@lexisnexisrisk.com](mailto:clu.incoming@lexisnexisrisk.com)

RE: 19-FOIA-259 MPD Report #2019-33704; Your Tran: [REDACTED]

Dear Ms. Bryon:

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 September 4, 2019, the FOIA Department received your request for Metra police report #2019-37704, regarding insured party, [REDACTED] who was involved in an incident occurring on August 2, 2019 ("Request"). Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra is providing you with Metra police report #MP-19-00037409, which is the correct report number for the August 2, 2019 incident involving insured party, [REDACTED]; copies of the Illinois Traffic Crash Report #U190190001; and Vehicle Tow Report ("Responsive Documents").

Metra does not maintain records of outside agencies. As such, the Elgin Police Report #2019-49334 referenced in the Responsive Documents may be requested by contacting the City of Elgin, Illinois.

**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, passwords or other access codes, personal telephone number, 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," "passwords or other access codes," "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 dates of birth and physical descriptions of the parties, as well as a vehicle insurance policy number 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 information falls squarely within that definition and 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, and driver’s license number of the parties mentioned in the Responsive Documents 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.
4. Section 7(1)(d-5) exempts the release of information pertaining to “law enforcement record[s] created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the records, and only has access to the record through the shared electronic record management system” from disclosure. It has been determined that such information contained in the Responsive Documents falls within this definition and per Attorney Aruj Chaudhry, its redaction under FOIA is appropriate.

#### **IV. Right of Review**

A person whose request to inspect or copy a public record that 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.

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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,

A handwritten signature in blue ink, appearing to read "K. E. Haton".

Kathleen E. Haton

Freedom of Information Officer

[foia@metrarr.com](mailto:foia@metrarr.com)

FOIA Hotline #312-663-3642

Attachments