



April 26, 2019

VIA EMAIL

Mr. Thomas Haley
Indiana, Illinois, and Iowa Foundation
For Fair Contracting
Email: thaley@iiffc.org

RE: 19-FOIA-096 Hazel Crest Station Rehab FOIA Part 2

Dear Mr. Haley:

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 March 27, 2019, we received your request for copies of any records of payment, requests for payment, waivers of lien, and Certified Payrolls from the start of the project to present (“**Request**”).

On April 11, 2019, I reached out to you via telephone and email to explain that we were still in the process of gathering and reviewing documents and information responsive to your Request. I asked if you would allow us until April 26, 2019 to issue a response; I also offered to call you with an update as to the status of that response on April 19, 2019. On April 11, 2019, you accepted my proposal and agreed via telephone and email to allow us until April 26th to respond to your Request, with the expectation of receiving a status update on April 19th.

Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with records of payment, waivers of lien, and Certified Payrolls completed and submitted by various entities performing work and/or providing materials at the Hazel Crest Project during any time from the start of the project through the date of your request, March 27, 2019 (“**Responsive Documents**”).

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 Documents are exempt from disclosure under certain provisions of FOIA:

1. The social security numbers, personal financial information, and other unique identifiers such as the contractor’s license numbers, account numbers, and account codes mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section

7(1)(b) of FOIA, which exempts “private information.” “Private information means unique identifiers, including a person's social security number...personal financial information [and] passwords or other access codes”. 5 ILCS 140/2(c-5).

2. The insurance policy information mentioned in the Responsive Documents is redacted because it is 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.

IV. Right to 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.

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
FOIA Hotline #312-663-3642

Attachments