



July 23, 2019

VIA E-MAIL

Ms. Jessica Williams

The New Orleans Advocate / The Times-Picayune

Email: jwilliams@theadvocate.com

RE: 19-FOIA-162 Request – Applications for Job Vacancies and Former Deputy E. D. Wiggins

Dear Ms. Williams:

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 June 19, 2019, we received your request for all applications, resumes, and cover letters of candidates who applied for the formerly vacant Chief Human Resources Officer position from October 16, 2012 to October 16, 2013; all applications, resumes, and cover letters of candidates who applied for the formerly vacant Chief Safety Officer position from October 16, 2012 to October 16, 2013; copies of any investigation conducted into Alex Wiggins (former Metra Deputy Executive Director of Administration) from January 1, 2013 to December 31, 2014; and copies of any complaints received about Alex Wiggins from January 1, 2013 to December 31, 2014 (“**Request**”).

On June 28, 2019, we reached out to you via email to explain that your Request, as originally written, was overly broad and unduly burdensome. We asked if you would please narrow and resubmit your Request. On that same date, you replied via email and narrowed your Request to include specific date ranges for which you were requesting information. Your request is granted in part and denied.

II. Responsive Documents

In response to your Request, Metra is providing you with a copy of an anonymous complaint submitted on August 21, 2013 which named Mr. Alex Wiggins. We were unable to locate any other formal complaints made against Mr. Alex Wiggins between January 1, 2013 and December 31, 2014.

Please note that Gail Washington retired from her position as Chief Human Resources Officer in October 2012. The position was not filled until March 2014. In that same regard, Dennis Morgan retired from his position of Chief Safety Officer in June 2007. The position was not filled until November 2015. As such, our Human Resources and Safety departments were unable to locate any applications, resumes, or cover letters belonging to successful candidates related to either the Chief Human Resources Officer position or the Chief Safety Officer position falling within the date-range you requested, October 12, 2012 and October 12, 2013.

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 the personal email addresses 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.” “Personal email addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.

IV. Denial

Any applicants who were not selected for the position of Chief Human Resources Officer or the position of Chief Safety Officer are not public employees subject to having their information disclosed under FOIA. As such, the applications, resumes, and cover letters of unsuccessful candidates which may have been submitted between October 16, 2012 and October 16, 2013, are denied in their entirety 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 denial is appropriate under FOIA.

The Investigation Report which addresses the complaint(s) made against Mr. Alex Wiggins between January 1, 2013 and December 31, 2014, was prepared by Metra’s counsel and was addressed to its Board of Directors. The requested record is withheld in its entirety under the following FOIA exemptions:

“Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f).

And:

“Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a[n]...administrative proceeding upon the request of an attorney advising the public body...[.]” 5 ILCS 140/7(1)(m).

Attorney Keith Pardonnet has determined that the Investigation Report is properly withheld from disclosure under the aforementioned provisions of the 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.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela K. Ollie".

Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments