



July 30, 2019

**VIA E-MAIL**

Mr. Greg Spencer  
[REDACTED]

RE: 19-FOIA-186 G. Spencer MPD Background Check

Dear Mr. Spencer:

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 July 11, 2019, we received your request for a copy of the background check conducted in 2019 on you, Gregory Spencer, while an applicant to the Metra Police Department (“Request”). Your Request is denied.

On July 24, 2019, we reached out to you via email to inform you that we were working on responding to your Request, however, it seemed unlikely that we would be able to provide same to you on our scheduled due date. You did not respond. On July 25, 2019, we reached out to you in the same regard informing you that we would not be able to issue our Response on your scheduled due date and informed you that you could expect to receive our Response on or before Friday, August 2, 2019. Again, you did not respond.

**II. Denial**

Your Request for background check results related to your application for employment with Metra’s Police Department is denied under the following provisions of FOIA:

1. Section 7(1)(f) of FOIA states records that are, “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” are exempt from disclosure. 5 ILCS 140/7(1)(f). The information compiled during the background check falls squarely within the definition of this exemption, and as such, Attorney Keith Pardonnet has determined its denial is proper under Section 7(1)(f) of the FOIA. 5 ILCS 140/7(1)(f).
2. Additionally, the background check information obtained through searches using LEADS, NCIC, and other police databases is denied under Section 7(1)(d-5) of FOIA which states, “A law enforcement record 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 record, and only has access to the record through the shared

electronic record management system.” The Metra Police Department only has access to information contained within Soundex and has no role in the creation of this information.

### **III. 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:

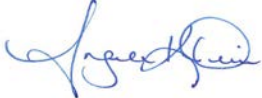
Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

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

Sincerely,



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