

November 18, 2015

**VIA E-MAIL**

Ms. Deneen Upton  
[REDACTED]

RE: 15-FOIA-197 Info - RFP #48556

Dear Ms. Upton:

We are in receipt of your request under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA").

**I. Background**

On September 24, 2015, we received your request for the final results of RFP #48556 for environmental remediation, sampling and monitoring services along with the tally sheet to indicate where you came in on your bid ("**Request**"). Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra's Procurement Department is providing you with the Master Purchase Agreement #P0289 for environmental remediation, sampling and monitoring services and a list of proposers to RFP #48556 ("**Responsive Documents**").

The Procurement Department advised that since this was a request for proposal, rather than an invitation for bid, bid tabulation or "tally" sheets do not exist.

You may access the Responsive Documents via Metra's file transfer protocol ("**FTP**") site. Direct your browser to <https://ftp.metrarr.com/>. The user name is: **foia9** and the case sensitive password is: **60g3bcPG**. Access to this FTP site will expire December 2, 2015. *If you require additional time to download these documents, please let us know prior to the expiration date.*

**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 Thomas Stuebner has determined that the following portions of the Responsive Document are exempt from disclosure under certain provisions of FOIA:

1. The tax identification number referenced in the Responsive Documents is exempt from disclosure under Section 7(1)(b), which exempts private information. "Private information" is defined as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses," as well as home address, and personal license plates. 5 ILCS 140/2(c-5).
2. The professional references mentioned in the Responsive Documents are being 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 data falls squarely within that definition and its redaction is appropriate under FOIA.

3. Section 7(1)(s) of FOIA authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Thomas Stuebner, all information regarding insurance within the Responsive Documents has been redacted.

#### **IV. 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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your 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,



Kathleen E. Haton  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642