

November 4, 2015

VIA FAX

Mr. Alan Sangiacomo
Attorney at Law
FAX No.: 312-332-6330

RE: 15-FOIA-227 Info – Daniel Tesfay Accident 10/10/15

Dear Mr. Sangiacomo:

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 October 26, 2015, we received your request for copies of surveillance video as well as any investigation undertaken by the Metra Police Department, or anyone else acting on Metra’s behalf to determine the circumstances surrounding the death of Daniel Tesfay, when he was struck by a train on October 10, 2015, at approximately 10:00 p.m. at the Lombard Metra station (“Request”).

II. Responsive Document

In response to your Request, Metra’s Police Department is providing you with a copy of their call summary report. After performing a diligent search of Metra’s records, we have been unable to locate any records responsive to your request regarding copies of surveillance video or any investigative reports concerning this fatality. The Metra Police Department advised that a Union Pacific freight train struck Mr. Tesfay and that the Lombard Police Department was the agency responsible for investigating this accident. Additionally, Metra does not possess any surveillance video from this area.

You may contact the FOIA officer at the Village of Lombard for any possible surveillance video and investigative reports at:

Janet Downer - Freedom of Information Officer
Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148
Ph: (630) 620-5741
Fax: (630) 620-8222

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain "private information." 5 ILCS 140/7(1)(b). "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). Accordingly, per Attorney Thomas Stuebner, any such private information within the above-mentioned report has been redacted.

IV. 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 service to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com

Attachment