



June 19, 2019

VIA E-MAIL

Ms. Katie Suiters

FOX 32

Email: Katie.Suiters@foxtv.com

RE: 19-FOIA-149 Transmissions from RID Train No. 419 on 2019-05-22

Dear Ms. Suiters:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

I. Background

On June 5, 2019, we received your request for the transmission feed from Metra Rock Island District (“RID”) train No. 419 between 7:00 p.m. – 7:30 p.m. on Wednesday, May 22, 2019 (“Request”). We contacted you by email on June 6, asking that you clarify your Request by specifying the types of records you were seeking. In your response that same day, you indicated you wanted the audio of the conductor’s radio call. Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra is providing you with fourteen (14) audio transmissions received from RID train No. 419 between 7:00 p.m. – 7:30 p.m., on Wednesday, May 22, 2019. These audio transmissions capture the communications of RID train No. 419’s employees, among others.

III. Partial Denial

In the interest of protecting the personal privacy of the deceased and their families, thirteen (13) audio transmissions are denied pursuant to the exemption found in 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.” The withheld audio transmissions contain communications that constitute an unwarranted invasion of privacy of the deceased and their surviving family members. It may be traumatic for these families to publicly hear such communications concerning the deaths of their loved ones as well as the impact on the Metra personnel having to re-live this tragic incident. As such, Attorney Keith Pardonnet has determined that the aforementioned audio transmissions fall squarely within the definition of 7(1)(c) and their exemption from release is appropriate under FOIA.

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



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

Attachments