



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 17, 2011

Ms. Suzy Choi-Lee  
FOIA Officer  
Metra  
547 West Jackson Boulevard  
Chicago, Illinois 60661

RE: FOIA Pre-Authorization Request – 2011 PAC 15913

Dear Ms. Choi-Lee:

We have received the written notice from Metra of its intention, pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)), to deny disclosure of copies of a passport and birth certificates. On April 28, 2011, Mr. Bob Herguth of the Better Government Association submitted a FOIA request to Metra seeking copies of "any and all DBE application and certification documents relating to a company called Delgado Erectors, Inc., or DEI for short, and the owners/principals" and "any and all Metra contracts and subcontracts for Delgado Erectors since Jan. 1, 2006. These documents should include references to payments as well as details on the projects."

In a telephone conversation on August 17, 2011, Mr. Herguth confirmed that he does not wish to obtain copies of the passport and birth certificates at issue. As such, we decline to determine at this time whether these specific records are exempt from disclosure under section 7(1)(c) of FOIA. Please note that this correspondence applies only in the context of the above-referenced FOIA request. This correspondence should not be construed as a waiver by the Better Government Association of its right to request copies of these records, or of other passports or birth certificates, in future FOIA requests.

Additionally, we note that Metra has asserted that other information responsive to Mr. Herguth's FOIA request is exempt from disclosure under sections 7(1)(b) and 7(1)(g) of FOIA. We decline to determine at this stage whether Metra's use of these exemptions is appropriate with regard to the information at issue. Accordingly, if it has not already done so, Metra should issue a final partial denial letter directly to Mr. Herguth.

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Should you have any questions, please contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Sara Gadoea Gallagher.

SARA GADOEA GALLAGHER  
Assistant Attorney General  
Public Access Bureau

cc: Mr. Bob Herguth  
Better Government Association  
223 West Jackson  
Suite 620  
Chicago, Illinois 60606