

JOB STATUS REPORT


TIME : 07/26/2010 11:15
NAME :
FAX# :
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DATE, TIME	07/26 11:14
FAX NO./NAME	913129512939
DURATION	00:00:25
PAGE(S)	03
RESULT	OK
MODE	STANDARD
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ATTORNEY GENERAL'S OFFICE

Public Access Counselor
100 West Randolph, 11th Floor
Chicago, IL 60601

FAX COVER SHEET

TO:  FROM: Sara Gadola Gallagher
DATE: July 26, 2010 PAGES: 3 (including cover sheet)
RE: Please see attached.

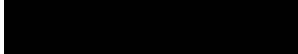
NOTES:

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 22, 2010

Ms. Karen Lucas
FOIA Officer
Metra
547 West Jackson Boulevard
Chicago, Illinois 60661

RE: Pre-Approval Request – 2010 PAC 8438

Dear Ms. Lucas:

We have received written notice from Metra of its intent to deny disclosure of certain records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). Metra's written notice relates to a FOIA request submitted by [REDACTED] for a copy of a train accident report involving Calumet City resident Lamont Dunbar. Metra has asserted that dates of birth and "graphic photographs of deceased parties mentioned in the report" are exempt from disclosure under Section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal privacy" as "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 disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determinations

Metra's use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. A date of birth is highly personal information, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of this information would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information. *See* 5 ILCS 140/7(1)(c).

With regard to the photographs, we contacted the requester, [REDACTED] by telephone today. [REDACTED] has indicated that she does not wish to receive copies of the photographs in question. Thus, we decline to determine whether the photographs in this case are exempt from disclosure under Section 7(1)(c) of FOIA.

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

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: [REDACTED]