



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 11, 2011

Mr. Roman Gold  
Freedom of Information Officer  
547 W. Jackson Blvd.  
Chicago, IL 60661  
rgold@metrarr.com

Re: Pre-Authorization Request – 2011 PAC 13373  
FOIA Requester: Mr. Cal Skinner

Dear Mr. Gold:

We have received and reviewed the written notice from Metra of its intention to deny disclosure of draft documents and the names of Freedom of Information Act (FOIA) requesters contained within responsive records for being exempt from disclosure under Section 7(1)(f) and Section 7(1)(c) of FOIA. 5 ILCS 140/1 *et seq.*, as amended.

On March 15, 2011, Mr. Cal Skinner submitted a FOIA request to Metra for “all Ridgefield Station Docs provided to new Exec Director and Metra’s Inspector General since the new Exec Director started work, plus any documents created since that date.” On April 5, 2011, Metra sought our office’s approval to withhold one of the requested records using the exemption in Section 7(1)(f) of FOIA. Metra argues that this record is a draft document that expresses opinion and was intended to serve as the basis for internal discussion. Metra also seeks our office’s approval to withhold “the name(s) of parties that requested public documents from Metra pursuant to FOIA” that are contained in the responsive documents. Metra argues that “the right to privacy of persons making FOIA requests outweighs any public interest in obtaining this information.”

**Determination**

**7(1)(f)**

Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

13373 al 71f 71c priv reg auth

Metra's use of the Section 7(1)(f) exemption for the withheld information is **approved**. After review of the provided information, our office agrees that the withheld document is a preliminary draft that contains opinions. Further, Metra has indicated that this document has "never been publicly cited or identified in whole or in part by the head of Metra." Accordingly, Metra has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

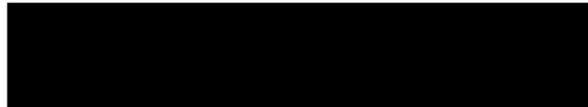
7(1)(c)

Section 7(1)(c) 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". The exemption defines "unwarranted 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."

Metra's use of the Section 7(1)(c) exemption to withhold the names of FOIA requesters contained within the responsive records is **approved**. Our office agrees that the subjects' right to privacy outweighs any public interest in obtaining this information. Thus, our office finds that the Metra has met its initial burden with respect to the redaction of the FOIA requestors' names.

Should you have questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,



Rebecca Riddick  
Assistant Public Access Counselor

cc:  
Mr. Cal Skinner  
McHenry County Blog  
275 Meridian St.  
Crystal Lake, IL 60014