



March 15, 2019

VIA E-MAIL

J Ader

MuckRock

Email: 68708-57650988@requests.muckrock.com

RE: 19-FOIA-040 ELERTS Corp Documents

Dear J Ader:

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 February 11, 2019, we received your request for all documents pertaining to Metra's contract with ELERTS Corporation, including:

- Initial Bid Documents;
- Current and previous contracts with Motorola regarding ELERTS;
- Requests for Proposals;
- Memorandum(s) of Understanding;
- Any privacy impact assessments;
- Any product manuals;
- Any instructional materials or presentations;
- Use policies and standard operating procedures;
- Data retention policies;
- Letters of Interest;
- Usage policies; and
- Any informal agreements or other documents that reference "ELERTS" or otherwise guide its use or the relationship between this agency and the provider or developer of the software

("Request"). Your Request is granted in part and denied in part.

II. Responsive Documents

In response to your Request, Metra's Procurement department is providing you with:

- the Request for Proposal No. 22658 and an ELERTS Statement of Work and Response as incorporated into the final Contract, including the Notice of Award letter;
- an ELERTS Console Administrator Guide;
- an ELERTS Transit Deck PowerPoint presentation;
- an ELERTS Install, Setup & Test Instructional; and
- a Metra Training document

(“Responsive Documents”).

Metra’s Procurement department advises that the ELERTS application is not affiliated with Motorola. As well, there are no previous contracts regarding this procurement as this is Metra’s first time purchasing this type of application/product. Finally, Metra’s Procurement Department advises that as it relates to this procurement, Metra is not in possession of any Memorandum(s) of Understanding, privacy impact statements, policies and standard operating procedures, data retention policies, letters of interest, or use/usage policies. Further, any informal agreements or other documents that reference "ELERTS" or otherwise guide its use or the relationship between this agency and the provider or developer of the software would be incorporated into the final Contract.

III. Partial Denial

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Keith Pardonnet has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. The personal telephone numbers and personal email addresses of the parties mentioned in the Responsive Documents are redacted because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts “private information.” “Personal telephone numbers” and “personal email addresses” are specifically mentioned within the definition of “private information” found in Section 2(c-5) of FOIA.
2. The physical descriptions, usernames, and names of third-parties mentioned in the Responsive Documents, are redacted because they are exempt from disclosure under 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.” It has been determined that the aforementioned data falls squarely within that definition and its redaction is appropriate under FOIA.
3. Insurance information referenced in the Responsive Documents is redacted under Section 7(1)(s) of FOIA which authorizes units of government to withhold “[a]ny and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications.” 5 ILCS 140/7(1)(s). Accordingly, per Attorney Keith Pardonnet, all information regarding insurance within the Responsive Documents has been redacted.

IV. Right of Review

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public

Access Counselor (“**PAC**”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b). 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,

A handwritten signature in blue ink, appearing to read "Angela K. Ollie".

Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642

Attachments