



September 9, 2013

Alexander Stephens
Sutter & Ori, LLC
155 N. Michigan Avenue
Millennium Park Plaza, Suite 400
Chicago, IL 60601

Dear Mr. Stephens:

The Illinois Tollway is in receipt of your FOIA request related to Illinois State Police Crash Report No. 15-12-06043. Specifically, you have requested “any and all information related to the witness’s name, home address, telephone number, a transcript of the witness’s 911 call regarding this incident, and audio recording of the witness’s 911 call regarding this incident.”

We have completed the review of your request. Please note that the Tollway will make available copies of the dispatch records, which are enclosed, and a copy of the 911 recordings.

In keeping with the copying fees allowed by the Illinois Freedom of Information Act, 5 ILCS 140/6(b), the cost of copying these records onto a CD is \$2.00 [\$1.00 CD plus \$1.00 postage]. If requested, we can make these records available to be picked up and the postage fee would be waived. Payments can be made to the Illinois Tollway, Attn: FOIA Officer, 2700 Ogden Avenue, Downers Grove, IL, 60515. The records will be processed upon receipt of payment.

Please note that the Tollway has redacted certain portions of the dispatch records being provided that contain Law Enforcement Agencies Database System records, which include personal information contained within public records that is exempt from disclosure under 5 ILCS 140/7(1)(c) as “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”, and private information that is exempt from disclosure under 5 ILCS 140/7(1)(b) as “private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.”

5 ILCS 140/7(1)(c) states: “Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. “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 disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.” In addition, Law Enforcement Agencies Database System (LEADS) documents must be kept confidential from any unauthorized users. 20 Ill. Admin. Code 1240.50.

5 ILCS 140/2(c-5) states: "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person."

Please note that Joelle McGinnis, FOIA Officer, was responsible for the denials referenced herein. You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 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

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Respectfully,

Joelle McGinnis
Freedom of Information Officer