



September , 2014

Deborah J. Menas  
Attorney at Law, LLC  
121 West Church Street  
Libertyville, IL 60048

Dear Ms. Menas:

The Illinois Tollway is in receipt of your FOIA request for records related to an incident related to your client. Specifically, you have requested “a copy of the investigation that was completed by the claims adjustor, Kathleen Miller, and the Illinois Tollway Claims Department be sent to me for review. I am requesting all documents and reports related to the above incident and investigation, including all inspection and incident reports, accidents reports, witness statements, memorandums and photographs. Please include a copy of any written and/or verbal statements and/or reports Joe Spillone, which were generated with respect to the aforesaid incident and investigation. I am also requesting all written reports from the maintenance and communication facilities stating the time that the debris was removed from the roadway, to include; a listing of any and all similar incidents that were reported in the vicinity of 294 near milepost 44 in the southbound lanes on June 4, 2014.”

We have completed the review of your request. Please note that your request for the Risk Management file is denied. The FOIA act provides that 7(a)(s) "Any 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."

Your request for the maintenance and dispatch records is granted in part and denied in part as follows.

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](mailto: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