September 18, 2019

VIA E-MAIL
Mr. Darryl Kopman

RE: 19-FOIA-256 CEO Applicant Info

Dear Mr. Kopman:

The FOIA Department is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("**FOIA**").

I.   Background

On September 4, 2019, the FOIA Department received your request for:

1. The materials submitted by the applicants for the position of CEO. The names, addresses, and other contact information of the applicants for CEO can be redacted, as this information is not of importance to me;
2. The firm(s) that Metra hired to conduct a search for qualified applicants for the position of CEO;
3. The criteria given to the firm(s) in #2 above for identifying qualified applicants;
4. The length of time allotted for accepting applicants;
5. Correspondence between Metra and the applicants; and
6. Materials (recorded, written, typed, etc.) from the interviews with the applicants

("**Request**").

In an email sent to you on September 17, 2019, the FOIA Department informed you that compliance with your Request, as written, would be unduly burdensome. The email stated that to date, the FOIA Department has identified more than 250 pages of material that could be responsive to your request and believe there is significantly more. The FOIA Department informed you that Metra would need to conduct a lengthy search to identify the correspondence in their possession that may or may not be responsive to your Request, as well as undertake document review, causing excessive disruption of Metra's day-to-day operations, including the FOIA Department's ability to fulfill other requests. In that same email, the FOIA Department requested that you narrow the scope of your Request to manageable proportions and respond to its email stating whether you were agreeable to narrowing the scope of your request. To date, we have not received a response from you. Accordingly, your Request is denied.

II.   Denial

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where "compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." Your Request as written is overly broad and would be disruptive to the day-to-day operations of the various departments tasked with locating the requested

records. Additionally, our department would need to review any records that may be responsive to your Request, severely interfering with the day-to-day operations of our department; and interfering with our ability to fulfill other FOIA requests, thus making your Request for these records unduly burdensome. Since you did not reply to our email requesting that you narrow the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

III.   Right of Review

You have the right to have the denial of your Request reviewed by the Public Access Counselor ("**PAC**") of the Illinois Attorney General's Office. 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.

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.

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

Sincerely,

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