



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 21, 2011

Via Electronic Mail
Mr. Jay Groves
Assistant to the President
Illinois State University
publicrecords@ilstu.edu

RE: FOIA Pre-Authorization Request – 2010 PAC 9229

Dear Mr. Groves:

We have received the written notice from Illinois State University (University) of its intention to deny disclosure of certain information pursuant to sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c), (f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.)

On August 9, 2010, [REDACTED] submitted a FOIA request to the University seeking copies of the following records:

1. Records reviewed, relied upon, developed, consulted or generated in connection with, or in any way related to, the report by the Center for Renewable Energy, entitled 'Economic Impact: Wind Development in Illinois 2010[.]
2. Records relating to donations, contributions, payments, any kind of financial support or any donation in kind of other form of support of any part of Illinois State University, the Illinois Wind Working Group [IWWG], or any of their affiliated entities, programs or other agencies or employees of any of the foregoing, by any wind energy-related business, or to the extent known, any of such business' affiliates or employees[.]

On August 24, 2010, the University sought our approval to withhold emails responsive to request 1 pursuant to section 7(1)(f) of FOIA, which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which

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opinions are expressed, or policies or actions are formulated[.]” With respect to request 2, the University sought our approval to withhold the names of attendees at the IWWG conferences under section 7(1)(c) of FOIA, which 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, unless the disclosure is consented to in writing by the individual subjects of the information.” 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.”

The University has also asserted that the specified records are exempt from disclosure under section 7(1)(j)(iv) of FOIA (5 ILCS 140/7(1)(j)(iv) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.) The pre-authorization process under section 9.5(b) of FOIA (5 ILCS 140/9.5(b) (West 2009 Supp.)) is limited to reviewing assertions of section 7(1)(c) and section 7(1)(f) exemptions; therefore we cannot consider the applicability of section 7(1)(j)(iv) here.

DETERMINATIONS

The University’s proposed use of section 7(1)(f) to withhold emails responsive to request 1 in their entirety is **approved**. The University’s proposed use of the exemption in section 7(1)(c) to withhold certain names in documents responsive to request 2, however, is **denied**.

In response to request 1, the University seeks to withhold emails between University personnel about the University’s economic impact report. The University furnished us with a representative sample of the emails responsive to [REDACTED] request. Upon review of the emails, we conclude that they contain preliminary opinions and recommendations about the University’s economic impact report. Accordingly, the University has met its initial burden pursuant to section 7(1)(f) and may withhold the emails.

With regard to request 2, the University seeks to withhold the names of individuals who attended an educational conference. The University argues that the attendees were not informed prior to attending the conference that their attendance would be public information. Reference to an identity alone does not constitute “personal information” under FOIA. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401, 412 (1997). This office has previously concluded that there is nothing highly personal or objectionable about the disclosure of the names of individuals who have received complimentary tickets to University of Illinois athletic events. *See* 2010 PAC 13552 and 13553 (Ill Att’y Gen. PAC Pre-Auth dl13552, 13553 issued April 22, 2011, at 1). Similarly, the educational conference appears

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to have been a public event and therefore, there is nothing highly personal or objectionable about disclosure of the names of the attendees.

Accordingly, the University has not met its burden of demonstrating by clear and convincing evidence that the names of the attendees at an educational conference are exempt from disclosure pursuant to section 7(1)(c).

If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve close this matter.

Very truly yours,



MATTHEW C. ROGINA /
Assistant Attorney General
Public Access Bureau

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cc:

