



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 16, 2010

Robin Kaler
Associate Chancellor for Public Affairs
Public Record Officer
University of Illinois at Urbana-Champaign
507 E. Green
Suite 313
Champaign, Illinois 61820

RE: Pre-Authorization Request – 2010 PAC 6362

Dear Ms. Kaler:

We have received and reviewed the written notice from the University of Illinois at Urbana-Champaign ('University') of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act ('FOIA'). 5 ILCS 140/7(1)(f).

On March 2, 2010, [REDACTED] submitted a FOIA request for the following:

the conflict management plans for Messrs. Jonathan Tod Jackson and Stephen A. Wheat. The plans were administered by Melanie Loots, Associate Vice Chancellor for Research at the Urbana-Champaign campus. This request includes all documents and e-mails belonging to and about the plan, including all minutes and notes from the regular meetings of the conflict management committee. This request includes all e-mails and documents about the conflict management plan and Douglas Vinzant, Michael Hites, Michael Lyon, Jonathan Tod Jackson, Stephen Wheat, David Ruzik, and any other member of the conflict management committee or administrative officers responsible for administering the conflict management plan.

In its written notice, the University stated that certain drafts, memorandum, and notes contained within the requested records are exempt from disclosure under Section 7(1)(f) and Section 7(1)(c) of FOIA.

However, during an inquiry call from our office on July 14, 2010, Ms. Jaclyn Banister, on behalf of the University, clarified that the University's pre-approval request pertains only to the use of the Section 7(1)(f) exemption to withhold the drafts, memorandum and notes from disclosure. As such, we will not address the Section 7(1)(c) exemption.

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Determination

Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary” drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

The University’s use of the Section 7(1)(f) exemption with regard to the drafts, memorandum and notes is **approved**. We have determined that these documents contain comments, opinions, and recommendations that the University relied upon in formulating its actions or policies regarding specific issues. Moreover, there is no indication that these documents have been public cited or identified by the University. Therefore, the University has met its burden of demonstrating that the specified drafts, memorandum, and notes are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the University may issue a partial denial letter directly to Mr. Wheat and may release the records to him with the appropriate information redacted.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Adewola
Assistant Public Access Counselor

cc:

