



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 12, 2011

Via Electronic Mail
Ms. Robin Kaler
Associate Chancellor
University of Illinois at Urbana-Champaign
rkaler@illinois.edu

RE: FOIA Pre-Authorization Request – 2010 PAC 8986

Dear Ms. Kaler:

We have received the written notice from the University of Illinois at Urbana-Champaign (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 2010)).

On July 26, 2010, Mr. Andrew Maloney, editor for *The Daily Illini*, submitted a FOIA request to the University seeking copies of email exchanges between University personnel about changes in the University's religion department.

On August 10, 2010, the University sought our approval to withhold information pursuant to section 7(1)(f) of FOIA, which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated" and 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." Specifically, the University seeks to withhold a reference to a personal appointment of a University employee contained in an email pursuant to section 7(1)(c), and draft documents pursuant to section 7(1)(f).

Ms. Robin Kaler
July 12, 2011
Page 2

DETERMINATIONS

The University's proposed use of section 7(1)(f) to withhold the draft documents is **approved**. The University's proposed use of section 7(1)(c) to redact the reference to a personal appointment is **approved**.

With regard to the University's use of section 7(1)(f), this office has reviewed the documents and we have determined that they are clearly draft documents that fall within the provisions of section 7(1)(f). As to the University's use of section 7(1)(c), this office has previously concluded that references to personal appointments made by public employees that are contained in a public record are exempt from disclosure under section 7(1)(c). *See* 2010 PAC 7428 (Ill Att'y Gen. PAC Pre-Auth al issued May 20, 2010 at 2). Therefore, we conclude that the University properly redacted the reference to a personal appointment pursuant to section 7(1)(c).

Accordingly, the University has met its initial burden of demonstrating by clear and convincing evidence that the draft documents and the reference to a personal appointment are exempt from disclosure. 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

8986 pre-auth al dl 71f univ

Via Electronic Mail
cc: Mr. Andrew Maloney
Managing Editor, *Daily Illini*
Amalone3@illinimedia.com