



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 9514

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 August 24, 2010, Mr. Jeff Huth, staff reporter for *The News-Gazette*, submitted a FOIA request to the University seeking copies of email exchanges between University personnel regarding the resignation of two University coaches.

On September 8, 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 single email pursuant to section 7(1)(f) and the name of a student job applicant contained in an email pursuant to section 7(1)(c).

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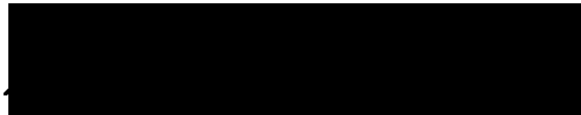
DETERMINATIONS

The University's proposed use of section 7(1)(f) to withhold the email is **approved**. The University's proposed use of section 7(1)(c) to redact the name of an applicant is also **approved**.

With regard to the University's use of section 7(1)(f), this office has reviewed the email and concludes that it is deliberative in nature and may therefore be withheld pursuant to section 7(1)(f). As to the University's use of section 7(1)(c), this office has previously concluded that the identities of applicants for employment are exempt from disclosure under section 7(1)(c), unless the applicant is selected for the position. *See* 2010 PAC 6805 (Ill. Att'y Gen. PAC Pre-Auth. al6805, issued April 21, 2010, at 1-2). We note that if the student has been subsequently selected for the position, that the name should be disclosed to Mr. Huth.

Accordingly, the University has met its initial burden of demonstrating by clear and convincing evidence that the email and name of the applicant 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

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Via Electronic Mail
cc: Mr. Jeff Huth
The News-Gazette
jhuth@news-gazette.com