



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

August 19, 2010

Mr. Thomas Hardy  
FOIA Officer  
University of Illinois  
506 S. Wright Street  
Urbana, Illinois 601801

RE: FOIA Pre-Authorization Request – 2010 PAC 9030

Dear Mr. Hardy:

We have received and reviewed the written notice from the University of Illinois (University) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) and Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on August 4, 2010, Jodi Cohen, on behalf of the Chicago Tribune, submitted a FOIA request to the University seeking copies of the following documents:

1. All documentation showing the expenditure of funds, or the expected expenditure of funds, related to renovations to, or work on, the University of Illinois house designated for the university president on Florida Avenue in Urbana;
2. All documentation showing the expenditure of funds, or the expected expenditure of funds, related to the purchases for the house;
3. Documents could include, but are not limited to, copies of all receipts, invoices and payments to any companies involved in the work on or purchase for the house; all bids, work orders, contracts and another documentation related to work on or purchases for the house; and any other documentation that shows funds expended or expected to be expended on the house;
4. Please also include any documentation that shows the university Board of Trustee's approval of the work, or other administrative approval; and
5. Please provide the documentation for the past three years from August 1, 2007 to the present..."

On August 6, 2010, Ms. Cohen narrowed her request and agreed to copies of the following documents:

“... summary documents showing expenditures for the last three calendar years of August 1, 2007, to the date of your request, and to accept records of invoiced-but-unpaid expenditures in excess of \$500...”

The University submitted a pre-authorization request to this Office on August 11, 2010 and asserted that it seeks to withhold certain information from disclosure pursuant to Section 7(1)(c) and Section 7(1)(f) of FOIA.

In its letter, the University states that it seeks to withhold the following information pursuant to Section 7(1)(c):

1. Discussions of private vacation schedules; and
2. Discussions of personal matters of family members.

In the same notice, the University further states that it seeks to withhold the following information pursuant to Section 7(1)(f):

1. Documents in which opinions are expressed;
2. Documents that discuss strategies;
3. Documents discussing plans;
4. Documents that contain opinions of frank discussion between administrators; and
5. Pre-decisional deliberations in which policies or actions are formulated.

Section 7(1)(c) of FOIA 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 disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted 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.” *Id.*

Section 7(1)(f) exempts from inspection and copying “preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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.” 5 ILCS 140/7(1)(f).

### **Determinations**

On August 17, 2010, two representatives from this Office had a conversation with both the University and Ms. Cohen with regard to the University’s request to withhold information pursuant to Section 7(1)(c). In the conversation with the University, it was explained that the Section 7(1)(c) matter related to various e-mails that contained the vacation destination of a University employee and the admission by a University employee that he was a grandfather. In the conversation with Ms. Cohen, she stated that the information the University seeks to

withhold is not pertinent to her request and agreed to allow the University to withhold the information pursuant to Section 7(1)(c).

With regard to the proposed 7(1)(f) redactions, the University explained to a representative of this Office during an August 17, 2010 conversation that the draft documents that the University seeks to withhold pursuant to Section 7(1)(f) include 54 pages of internal correspondence between University employees regarding the interior design of the home and express opinions by the University employees about a possible course of action to take with regard to the renovations of the home and certain expenditures included in the remodeling.

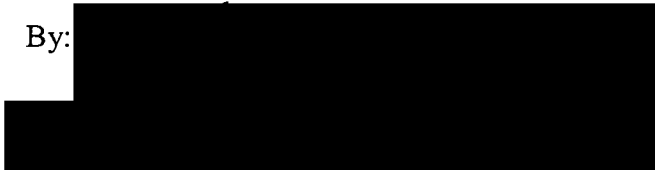
In that conversation, the University assured this Office that all expenditures that were discussed in these communications were later incorporated into a financial expenditure report that will be supplied to Ms. Cohen.

Based on this analysis, the University has sustained its burden under Section 7(1)(f) and may withhold the preliminary correspondence relating to the renovation of the home. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Matthew C. Rogina  
Assistant Public Access Counselor

cc: Jodi S. Cohen  
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