



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 30, 2011

Robin Kaler
Associate Chancellor for Public Affairs/
Public Record Officer
University of Illinois at Urbana-Champaign
507 East Green Street, Suite 313
Champaign, IL 61820

RE: Pre-Authorization Request – 2011 PAC 13033
Requester: James Dey, *The News-Gazette*

Dear Ms. Kaler:

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

On March 4, 2011, Mr. Jim Dey requested the following documents:

- the employment offer made to [James] Kilgore's wife, Teresa Ann Barnes, a faculty member in the history and gender and women's studies departments.
- hard copy or email communications dating back to 2008 concerning Kilgore and/or Barnes to or from members of the UI board of trustees, employees in the president's office, employees in the provost's office, employees in the chancellor's office, employees in the Center for Democracy in a Multi-Cultural Society as well as employees in the history and gender and women's studies departments.
- documents regarding the search to fill the academic hourly position now held by Kilgore, including but not limited to the job description, names of search committee members and/or any notes or reports filed by the committee regarding the hiring process.
- the resume Kilgore submitted to the UI, including any material he may have submitted under any other names.

In its written notice dated March 18, 2011, the University asserted that portions of the responsive documents are exempt from disclosure under Section 7(1)(f) of FOIA. On March 28, 2011, we

requested that the University provide us with copies of the documents in question, and we received those documents on March 30, 2011.

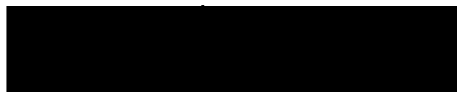
Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” 5 ILCS 140/7(1)(f).

Determination

Based on our review of the documents, we have determined that the University’s use of the exemption in Section 7(1)(f) with regard to the portions of the documents that the University proposes to redact is approved. These documents consist of preliminary drafts and internal communications in which opinions are expressed and which were used to formulate the University’s actions. The University asserts that these documents have never been publicly cited or identified by the President of the University. Therefore, the University has met its initial burden of showing that these documents are exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc: James Dey
The News-Gazette, Inc.
15 Main Street
Champaign, IL 61820