



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 22, 2011

Mr. Thomas Hardy
Executive Director, University Relations
University of Illinois
506 S. Wright Street
Urbana, Illinois 61801

RE: Pre-Authorization Request - 2011 PAC 13552 and 13553

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) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On April 1, 2011, Mr. Jared Hopkins, a staff reporter with the *Chicago Tribune* submitted a FOIA request to the University seeking copies of the following:

- (1) "[a]ll guest list, attendance lists, access lists and expense reports for the Administrative Suites, including the President's and Chancellor's Suites, at Memorial Stadium for 2009 and 2010 home games," and
- (2) "[a]ll names of individuals who received complimentary tickets from the President or Chancellor's officers for 2009 and 2010 football games."

Mr. Hopkins also submitted a similar FOIA request to the University on April 4, 2011 seeking copies of the following:

- (1) "[a]ll University of Illinois player guest ticket/pass lists, and documents that detail guests ticket/pass requests by players, for men's basketball home games for the 2009-2010 and 2010-2011 seasons,"
- (2) "[a]ll University of Illinois coach guest ticket/pass lists, and documents that detail guest ticket/pass requests by coaches for men's basketball home games for the 2009-2010 and 2010-2011 seasons," and
- (3) "[a]ll documents that name recipients or individuals offered complimentary tickets by the University of Illinois, including but not limited to tickets provided by the president's office, chancellor's office and athletic department, for men's basketball

home games for the 2009-2010 season and 2010-2011 seasons, as well as 2009 and 2010 home football games played at Memorial Stadium.”

On April 13, 2011, the University partially denied both of the *Tribune's* requests and submitted a Pre-Authorization Request with the Office of the Public Access Counselor seeking to withhold certain information pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) 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 disclosure is consented to in writing by the individual subjects of the information.” 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.*

The University seeks to withhold a portion of information that is responsive to the *Tribune's* request pursuant to Section 7(1)(c). In its Request, the University indicates that it seeks to redact the names of current and/or potential donors, their spouses, children and/or unaffiliated guests of the University pursuant to Section 7(1)(c). The University also asserts that ancillary information, such as a donor’s educational and employment history, is exempt under Section 7(1)(c). On April 19, 2011, the University provided this Office with a representative sample of the documents it seeks to withhold or redact under Section 7(1)(c).¹

Determination

The University’s request for approval to withhold the names of individuals who have received complimentary tickets to University athletic events and other information related to those individuals pursuant to Section 7(1)(c) is denied.

The first step of the analysis under Section 7(1)(c) is to determine if the requested information is highly personal or if its disclosure would be objectionable to a reasonable person. Only if the information is found to be highly personal or its disclosure objectionable to a reasonable person does the public body need to consider the second step in the analysis and determine whether “the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” 5 ILCS 140/7(1)(c)

Reference to an identity alone does not constitute “personal information” under FOIA. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401, 412. Upon review of the unredacted, representative sample of the names that the University seeks to withhold, we find nothing highly personal or objectionable about the disclosure of these names or of the educational background and employment of these individuals. Moreover, there exists a legitimate public interest in the disclosure of the information about individuals who have received complimentary tickets to athletic events of a publicly-funded university.

We also note that Section 9(b) of FOIA (5 ILCS 140/9(b)) states the following:

¹ The University has indicated that the documents supplied to this Office are responsive to both FOIA requests submitted by the *Tribune*.

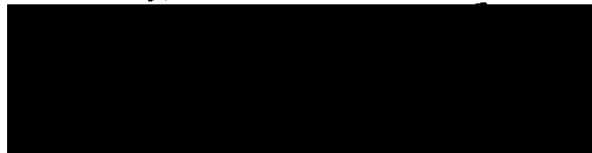
When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by each public body in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested (Emphasis added).

Upon review of both requests, the University has not presented a detailed, factual basis supporting its position that the disclosure of the names or background information of the individuals who received complimentary University tickets would result in an unwarranted invasion of personal privacy.

Accordingly, we conclude that the University has not met its initial burden in demonstrating that the disclosure of the names or background information of these individuals would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Therefore, the University must disclose this information to the *Tribune*.

Should you have any questions, please contact me at (312) 814-5383. This correspondence shall close this file.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Jared S. Hopkins
Chicago Tribune
435 N. Michigan Avenue
Chicago, Illinois 60611

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