



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

**Lisa Madigan**  
ATTORNEY GENERAL

October 28, 2010

Mr. Thomas Hardy  
Executive Director and Chief Records Officer  
Office for University Relations  
University of Illinois at Urbana-Champaign  
506 S. Wright St.  
Urbana, IL 61801

RE: FOIA Pre-approval Request – 2010 PAC 10333

Dear Mr. Hardy:

We have received from the University of Illinois (University) a written notice of its intention to assert the Section 7(1)(c) exemption in response a Freedom of Information Act (FOIA) request dated October 19, 2010 submitted by Barb Markoff with ABC 7 News Chicago. This request sought “the list of people who received complimentary or purchased tickets that were set aside for the University’s Office of the President for the 2008 Rose Bowl football game between USC and the U of I.”

The University has indicated that it intends to deny portions of responsive documents the disclosure of which, it contends, would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c), specifically the following six categories of information:

1. Names and personal identifiers of private citizens;
2. Names and personal identifiers of students at the University;
3. Names and personal identifiers of alumni of the University;
4. Names and personal identifiers of current and/or potential donors;
5. Names of spouses, children, and/or unaffiliated guests of University faculty and/or staff; and
6. Names of private citizens who made transactions with the University as opposed to having received an object of value at no cost.

Section 7(1)(c) defines an “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.” It also provides that “[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.”

### **Determinations**

With respect to the information pertaining to complimentary tickets that the University set aside (categories 1-5 listed above), the University has failed to offer any detailed legal or factual basis to support its conclusion that persons who have received complimentary tickets to the 2008 Rose Bowl, which are gifts of significant value from a public university, have a privacy interest that outweighs the public’s legitimate interest in knowing how the university chooses to allocate its resources. To the contrary, we believe that any reasonable privacy interest implicated by the disclosure of this information is outweighed by the public interest in the disclosure of this information and, thus, we conclude that the University has not met its burden under Section 7(1)(c) to justify redacting the names of University students, donors and public citizens who received these complimentary tickets and which appear in records responsive to this request .

Similarly, with respect to the “names of private citizens who made transactions with the University as opposed to having received an object of value at no cost”, the University has likewise failed to offer any detailed legal or factual basis to support its conclusion that persons who purchased 2008 Rose Bowl tickets (which, although not gifts, were high demand items of significant value) have a privacy interest that outweighs the public’s legitimate interest in knowing how the university allocated the finite number of tickets it sold.<sup>1</sup> We believe that any reasonable privacy interest implicated by the disclosure of this information is outweighed by the public interest in the disclosure of this information and, thus, we conclude that the University has not met its burden under Section 7(1)(c) to justify redacting the names of members of the general public who purchased these tickets and which appear in records responsive to this request .

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith  
Public Access Counselor

By 

Matthew M. Sebeck  
Assistant Public Access Counselor

Cc:  
Barb Markoff  
Via electronic mail to:

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<sup>1</sup> We have received confirmation from the University that the information redacted under this category does not include credit card numbers or other information that could reasonably constitute “personal financial information”, as that phrase is used in Section 2(c-5) of FOIA. 5 ILCS 140/2(c-5); 5 ILCS 140/7(1)(b).

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