



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 3, 2011

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

RE: Pre-Authorization Request – 2010 PAC 6520, 2010 PAC 6522
Requester: Tom Kacich, *The News-Gazette*

Dear Ms. Kaler:

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

On March 15, 2010, Mr. Tom Kacich submitted two requests for public records to UIUC. The first sought "copies of all correspondence between the UI Division of Intercollegiate Athletics and the UI Office of Undergraduate Admissions related to walk-on athletes, preferred walk-on athletes and any similar categories of athletes filed between Jan. 1, 2000 and March 15, 2010." The second request sought "any correspondence by or with sponsors or supporters, whether by letter, email, telephone or other communications, between undergraduate applicants and the University of Illinois Office of Undergraduate Admissions, also more commonly known as the UI admissions inquiry log." On March 30, 2010, this Office received UIUC's notices of its intention to deny these requests in part. Specifically, UIUC intends to redact the names of applicants and students; grade point averages (GPAs) and test scores including ACT and SAT scores; the contents of an email appealing UIUC's decision to deny admission to an applicant; and words that identify the relationship of an individual to an applicant. UIUC asserts that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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.*

Names of Students and Applicants

UIUC's use of the exemption in Section 7(1)(c) with respect to the names of students and applicants is approved. The requested records pertain to UIUC's consideration of individuals for admission. The discussion of the admission or denial of named individuals is highly personal, and the disclosure of this information regarding an identified individual would be objectionable to a reasonable person. The subjects' right to privacy in these discussions outweighs any legitimate public interest in obtaining this information. Therefore, UIUC may protect the privacy of these students and applicants by redacting their names.

GPA's and Test Scores

UIUC's use of the exemption in Section 7(1)(c) with respect to GPA's and test scores is approved. GPA's and test scores are highly personal information, and the subjects' right to privacy outweighs any legitimate public interest in obtaining this information. UIUC has sustained its initial burden of showing that the GPA's and test scores it plans to redact are exempt under Section 7(1)(c).

Appeal of an Admission Denial

UIUC's use of the exemption in Section 7(1)(c) with respect to a message from an applicant's parent appealing UIUC's decision to deny admission to that applicant is approved. This message contains highly personal information, and the applicant's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, UIUC has sustained its initial burden of showing that this message is exempt under Section 7(1)(c).

Relationship to an Applicant

UIUC's use of the exemption in Section 7(1)(c) with respect to words that identify a relationship to an applicant is approved in part and denied in part. UIUC proposes to redact the relationship of an individual to an applicant from 4 logs of inquiries in the admissions inquiry call log. In three of those logs, the name of the individual who contacted UIUC on an applicant's behalf appears in the log, and the individual's relationship to the applicant appears as well. In those instances, the relationship to the applicant identifies the applicant. The logs pertain to what was said about the applicant and UIUC's reaction to that communication. That information is highly personal, and the applicant's right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, where the individual who contacted UIUC is named in the log, UIUC may redact the relationship to an applicant to protect the applicant's privacy.

In our review of the documents, we identified one log in which the individual who contacted UIUC on behalf of an applicant is not named in the log and is identified only by her relationship to the applicant. In this instance, the applicant's identity is protected simply by redacting the applicant's name. Without the name of the caller, the relationship of this caller to the applicant

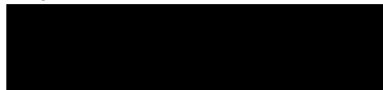
does not identify the applicant. With the applicant's identity protected, this log is not highly personal, and disclosure would not be objectionable to a reasonable person. Therefore, UIUC may not redact the relationship of the caller to the applicant in this instance.

UIUC should send a partial denial letter directly to Mr. Kacich and release the records to him with the appropriate information redacted in accordance with this letter. If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A solid black rectangular box redacting the signature of Sarah Kaplan.

Sarah Kaplan
Assistant Public Access Counselor

cc: Tom Kacich
The News-Gazette
by email: tkacich@news-gazette.com