



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 2011

Ms. Robin Kaler
Freedom of Information Officer
University of Illinois
507 E. Green, Suite 313
Champaign, IL 61820

RE: Pre-Authorization Request – 2010 PAC 7652

Dear Ms. Kaler:

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

On May 10, 2010, Jennifer Wheeler submitted a FOIA request for “the results for the first and second questions on the Instructor and Course Evaluation System forms from instructors who released their results for the fall 2009 semester.”

The University argues that disclosing the information to an entity other than the Illinois Student Senate would create an “unwarranted invasion of personal privacy” for students opting to complete the form and the instructor of that particular course. The University asserts that “[i]f professors are no longer in control regarding to whom these forms are disclosed, professors may choose not to seek student evaluation of their teaching and course content.”

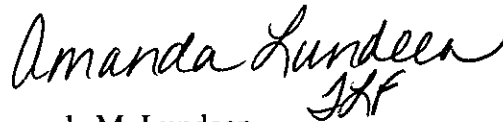
Determination

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.” **The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.** 5 ILCS 140/7(1)(c)(emphasis added).

The University's use of the exemption in Section 7(1)(c) with regard to the releasing the requested course evaluation surveys is **denied**. FOIA specifically restricts the use of the 7(1)(c) exemption so that it cannot be used to withhold information that "bears on the public duties of public employees and officials." Thus, information regarding public employees must be released if it "bears on" their public duties. Therefore, the course evaluation surveys cannot be withheld under Section 7(1)(c). However, the disclosure of the names of students completing the course evaluation surveys may be redacted under Section 7(1)(c), unless written consent for disclosure is granted by those students choosing to complete the survey.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,



Amanda M. Lundeen
Assistant Public Access Counselor

cc: Ms. Jennifer Wheeler
Daily Illini
512 E. Green Street
Champaign, IL 61820

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