

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

May 14, 2014

Mr. Christopher C. Horner  
FME Law Clinic  
Horner@FMELawClinic.org

Re: FOIA Request 14-201

Dear Mr. Horner:

I write to respond to your Freedom of Information request dated April 29, 2014, and received in my office on April 30, 2014, in which you requested:

“...records sent to or created by or on behalf of Dr. Donald J. Wuebbles, the Harry E. Preble Professor of Atmospheric Science at the University of Illinois at Urbana-Champaign. Please provide us copies of *any correspondence*, including attachments, *sent to or from Dr. Wuebbles*, including as To, From, cc:, and/or bcc:, that are on a *University of Illinois system or system used by the University*, which:

- A. is to or from (including as To, From, cc:, and/or bcc:) anyone with Union of Concerned Scientists, and/or
- B. mentions Union of Concerned Scientists

Dated (including updated records sent or received) between January 1, 2011 and December 31, 2011.”

Information responsive to your request is available and attached. These are public documents numbering 269 pages.

Portions of these documents have been redacted pursuant to the following section(s) of the Act:

- 140/7(1)(b) that exempts from disclosure “Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.” This includes personal email addresses, phone numbers and personal medical information.
- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes personal medical information and references to family matters.
- 140/7(1)(f) that exempts from disclosure “Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record of relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” This includes communications containing drafts, deliberations, opinions, proposed actions and recommendations.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

Office for University Relations

Urbana • 108 Henry Administration Building • MC 370 • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733  
Chicago • 414 Administrative Office Building • MC 971 • 1737 West Polk Street • Chicago, IL 60612-7228 • (312) 996-3772 • Fax (312) 996-1836

Please note, Dr. Wuebbles does possess other email that are to or from individuals with Union of Concerned Scientists, and/or that mention the Union of Concerned Scientists. However, these additional emails do not pertain to University business. The term "public records" is defined in the Act as:

"all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials *pertaining to the transaction of public business*, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." (5 ILCS 140/2(c)) (Emphasis added).

These additional emails do not involve Dr. Wuebbles' employment at the University, nor do they pertain to the transaction of public business. Thus, these records are not subject to FOIA and are not being produced in response to this FOIA. For your information, even if these records were subject to FOIA, some of them would be exempt from production under one or more section of the Act, including, but not limited to, the following:

- 140/7(1)(f) that exempts from disclosure "Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record of relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."
- 140/7(1)(i) that exempts from disclosure "Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss."
- 140/7(1)(j)(iv) that exempts from disclosure "course materials or research materials used by faculty members."

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us), or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy  
Executive Director  
and Chief Records Officer