

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

June 30, 2014

Dr. Andrew Scheinman
Scheinman Law
ascheinman@scheinmanlaw.com

Re: 14-390

Dear Dr. Scheinman:

I write to respond to your Freedom of Information request of May 30, 2014, and received in my office on that date, in which you requested:

"1. Please provide in *detail* what efforts you undertook to identify any possible records [in FOIA 14-168], including what you searched and who you requested information from. Also please note for each person you talked to whether they self-certified a lack of documents, or whether you actually conducted any independent review to cross-check such statements."

This request is denied as it is not in proper form. Section 3(a) of FOIA provides, "Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act." (5 ILCS 140/3(a)). (Emphasis added). The Act further provides that it is "not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or federal law." (5 ILCS 140/1). (Emphasis added).

Your FOIA request is not seeking a public document; instead, you are asking the University to provide a detailed explanation. In *Kenyon v. Garrels*, the 4th District Illinois Appellate Court found that "requests for information that did not identify the documents to be produced or made available was not in proper form." 184 Ill. App. 3d 28, 33 (Ill. App. Ct. 4th Dist. 1989). The court went on to say, FOIA "does not compel the agency to provide answers to questions posed by the inquirer." *Kenyon*, 540 N.E.2d at 13 (citing *Krohn v. Department of Justice* (D.C. Cir. 1980), 628 F.2d 195).

Since your request is not a request for records, it is not in proper form and, thus, is denied.

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\[at\]g.state.il.us](mailto:publicaccess[at]g.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 any questions, please address them to the attention of Ms. Laura Clower, Associate University Counsel, at clower@uillinois.edu.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer

cc: Laura Clower, Assoc. Univ. Counsel