

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

July 11, 2014

Dr. Andrew Scheinman
Scheinman Law
ascheinman@scheinmanlaw.com

Re: 14-424

Dear Dr. Scheinman:

I am responding to your letter received in our office on May 22, 2014, under the Freedom of Information Act ("FOIA" or the "Act") in which you sought:

"20140610_1. Please provide all procedures used by UI FOIA to determine the response time for a FOIA filing. Specifically, I note that your response times are getting longer and longer in light of what you assert are internal "determinations." On what basis/bases are those determinations made?

20140610_2. Who is/are responsible for making these determinations?

20140610_3. Who is/are responsible for approving these determinations?"

The University possesses no documents responsive to the first sentence of point one of your request.

The remainder of your 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).

The last sentence of point one and points two and three of your FOIA request are not seeking a public document; instead, you are asking the University to provide an 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 the remainder of 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@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 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