

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

July 3, 2014

Dr. Andrew Scheinman  
Scheinman Law  
ascheinman@scheinmanlaw.com

Re: 14-406, 14-407, 14-408, 14-409, 14-410

Dear Dr. Scheinman:

I write to respond to five of your sixteen Freedom of Information requests dated and received in my office on June 4, 2014, in which you requested:

"11. Please inform me whether there was any attempt made by UI FOIA or legal to confirm the statement by Mr. Durack regarding the absence of any emails on his UI account that refer to me. [14-406]

12. Please inform me whether any independent searches of the UI email system were performed; if not, please inform me why this was not done. [14-407]

13. Please inform me whether it is your usual practice to have people identified as possibly having productive documents \*self-report\* the presence or absence of those documents. [14-408]

14. UI FOIA has previously stated that it had no standard search procedure for responding to FOIA requests. Please inform me whether you have any capacity to search the UI email system, and if so, the exact details of what you are able to search. [14-409]

15. Please inform me why you limited the request of Mr. Durack to that single email account, and why you did not ask him to produce all correspondence relating to me that he made during university business." [14-410]

These requests are denied as they are 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 requests are 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 requests are not requests for records, they are not in proper form and, thus, are 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](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 any questions, please address them to the attention of Ms. Laura Clower, Associate University Counsel, at [clower@uillinois.edu](mailto:clower@uillinois.edu).

Sincerely,

Thomas P. Hardy  
Executive Director  
and Chief Records Officer

cc: Laura Clower, Assoc. Univ. Counsel