

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

August 28, 2014

Ted Bergstrom
University of California Santa Barbara



Re: FOIA 14-528

Dear Mr. Bergstrom:

I am responding to your request dated August 5, under the Illinois Freedom of Information Act in which you request:

“request the following information: If CARLI has signed bundled site license contracts for academic journals, (including any contractual arrangement that restricts the rate of cancellations of a publisher's journals) with any of the publishers listed below, I am requesting information from the most recent contract with each such publisher that includes the prices paid by each participating institution for the publisher's bundle.

List of publishers for which information is requested:

- American Chemical Society
- Cambridge University Press
- Elsevier
- Emerald
- Nature Publishing Group
- Oxford University Press
- Sage
- Springer
- Taylor & Francis
- Wiley-Blackwell”

As you are probably aware, CARLI is a consortium of Illinois institutions and libraries. While the University of Illinois serves as CARLI's agent, the contracts you requested are not records of University business; they are the records of CARLI. Thus, the University is not required to disclose them under FOIA. However, in this case, CARLI has agreed to provide you its contracts with the following vendors: American Chemical Society, Nature Publishing Group, Sage, Springer, Wiley-Blackwell. These contracts, which are available at the link below, number 358 pages. CARLI does not have license agreements for journal content with the other listed vendors.

While CARLI has agreed to provide you its contracts, it did not receive permission from the member institutions, except for the University of Illinois, to provide the member's pricing.

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

Therefore, individual pricing information for all member institutions, except for the University of Illinois, has been redacted from the contacts.

Since the pricing of individual member institutions does not pertain to University of Illinois business, it is not subject to FOIA. Even if it was subject to FOIA, such pricing would be exempt from production pursuant to section 7(1)(g) of the Act, which exempts from production:

“Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business...”

In this case, member institutions consider their individual pricing to be confidential financial information. Release of the same could cause competitive harm to the institutions as well as the presses that the member contacts with. Thus, even if this information part of a public record, it would be exempt from disclosure under section 7(1)(g) of the Act.

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

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer

To access your documents, please use the following link:

This link will stay active for 10 days