

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

August 15, 2014

Kent Heller
Heller, Holmes & Associates, P.C.
1101 Broadway
P.O. Box 889
Mattoon, IL 61938
kent@hhlawoff.com

Re: FOIA 14-512

Dear Mr. Heller:

I am responding to your narrowed request dated August 1, under the Illinois Freedom of Information Act in which you request:

“any and all correspondence, memos, emails, writings, voice recordings or any other document whatsoever authored by or received by Jason Lerner, Mike Thomas, Tim Beckman, Nicole Anderson, Tom Michaels which in any way discuss the Illini Quarterback Club, the location of their meetings, the acceptability or unacceptability of meetings at any particular location, the removal of the Board of Directors, the appointment of a new Board of Directors, the appointment of a council of 5, or any use of proceeds received by any University employees or used by any University employees from the Illini Quarterback Club, the level of spending, the appropriateness of any particular purchases including but not limited to alcohol, Philip Katsinas and the Round Barn Center. The requests includes the time period of Jan. 1, 2013 - July 31, 2014.”

Information responsive to your request is available and attached. These are public documents numbering 18 pages.

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

- 140/7(1)(a) that exempts from disclosure “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law.” Under this exemption, information discussed with an attorney that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct were withheld from the responsive documents.
- 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 and cell phone numbers.
- 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

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

individual subjects of the information.” This includes personal information, such as personal vacation plans.

- 140/7(1)(f) that exempts “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 documents containing drafts, opinions, recommendations or the formulation of an action or policy.
- 140/7(1) (m) exempts “communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.” A portion of your request includes communication between a public body and an attorney representing the public body for the purpose of obtaining legal advice and would not be subject to discovery in litigation.

In addition, documents not pertaining to University business were not included in the responsive packet. 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 pertain to the transaction of public business but rather the activities of an independent organization. Thus, these records are not subject to FOIA and are not being produced in response to this FOIA

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