

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

December 4, 2014

Andrew Scheinman

[ascheinman@scheinmanlaw.com](mailto:ascheinman@scheinmanlaw.com)

Re: FOIA 14-735, 14-736, 14-737, 14-738

Dear Dr. Scheinman:

I write to respond to your FOIA requests, dated November 2, 2014, and received in my office on November 3, 2014, in which you requested:

1. Please provide all information relating to the specified "Carle [redacted] Facility." [14-735]
2. Please provide all correspondence from Laura Frerichs relating to this facility; [14-736]
3. Please provide all correspondence from Chancellor Wise relating to this facility; [14-737]
4. Please provide all correspondence from UIUC-FOIA relating to this facility. [14-738]

In response to point 1 of your request, as we previously told you in response to request 14-419, your request does not specify a time frame and does not specify the persons or units from which you seek records. Without this information, the volume of potentially responsive documents that need to be gathered and reviewed and the limited staff available to perform the collection and review makes the task of review and response unduly burdensome upon the University.

Pursuant to Section 3(g) of the Act, we would like to extend to you an opportunity to modify your request to make it of more manageable proportions. Specifically, we request that you limit your request to a short, specified date range and restrict your request to documents sent to or received by Research Park Director Laura Frerichs or Associate Chancellor Mike DeLorenzo. These changes will help narrow your request to more manageable proportions. If you do not reduce the request, it shall be treated as a denial.

Please note, the facility referenced in your requests involves a pending real estate transaction and therefore, requests 2-4 are denied 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." This includes documents containing legal advice given by an attorney that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct. This also includes any information provided to the PAC under a claim that it is confidential under section 9.5(c) of the Act.
- 140/7(1)(f), which 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 or 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 draft documents and communications containing deliberations, opinions, proposed actions and recommendations.

Office for University Relations

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- 140/7(1)(g) that exempts from disclosure “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 or where disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business...” This includes information furnished under a claim of confidentiality, containing commercial information about a pending negotiations that would cause harm if released.
- 140/7(1)(h) of the Act, which exempts “[p]roposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made.” This includes communications about ongoing contract negotiations.
- 140/7(1)(m) that exempts from disclosure “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...” This includes communications covered under the attorney client privilege and/or the work product doctrine that would not be subject to discovery.
- 140/7(1)(r) of the Act that exempts from disclosure “records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated.” This includes communications about a potential purchase of real estate.

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