

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

January 9, 2015

Jared S. Hopkins
Chicago Tribune
jahopkins@tribune.com

Re: FOIA 14-846

Dear Mr. Hopkins:

I write to respond to your Freedom of Information request dated December 19, 2014 and received in my office on December 22, 2014, in which you referenced the employment section of a student-athlete questionnaire form and requested:

“Yes, I would like copies of those documents.”

Records responsive to your request have been withheld. As explained further below, these records are not public records subject to disclosure under FOIA and even if they were, they are exempt from production under the Act.

The student questionnaire in which each student-athlete lists his or her employment is not public records subject to the FOIA. 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)).

The student questionnaire seeks various types of personal information about the student-athlete. This record does not pertain to public business but rather, the personal activities of a student. Thus, these records are not “public records” under the Act and are not required to be disclosed under FOIA.

Even if these records are subject to disclosure under FOIA, they are exempt from disclosure pursuant to the following section(s) of the Act:

- 140/7(1)(a) of the Act 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.” The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) protects the privacy of student education records and prohibits the release of any information from a student’s education record without the consent of the eligible student. In this case, the documents responsive to the request are considered student records under FERPA and are prohibited from being released.
- 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 financial information.
- 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 individual subjects of the information.” This includes information about whether a student is employed and the name of his or her employer.

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

You have a right, under the law, to seek a review of your status as a commercial requestor 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