January 30, 2015

Phan Nguyen

Re: FOIA 14-833

Dear Mr. Nguyen:

I am responding to your request dated December 11, under the Illinois Freedom of Information Act in which you request:

“Email correspondence to and from UIUC Professor Emeritus Cary Nelson, via the email address crnelson@illinois.edu, pertaining to the following contents:

1. All emails referencing Legal Insurrection and/or its editor, William A. Jacobson, including but not limited to references to the email addresses “waj24@cornell.edu” and “contact@legalinsurrection.com,” references to the website “legalinsurrection.com,” and references to the name “Jacobson,” “William Jacobson,” and “William A. Jacobson.”
2. All emails referencing “Steven Salaita,” “Steve Salaita,” and “Salaita”
3. All emails referencing “Israel Action Network” or its abbreviation, “IAN.”

These emails should be limited to the time period of January 1, 2014 to August 6, 2014.”

I thank you for your patience as we processed your request. As we previously told you, extra time was needed to gather and review the requested documents and we appreciate the additional time you gave us to process this request.

This office has gathered and reviewed the emails you are seeking. After review, our office determined that these emails do not pertain to the transaction of public business and are not public records subject to 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)) (Emphasis added).

As the requested emails are not public records subject to FOIA, they are not being provided to you.
In the alternative, even if these records were subject to FOIA, they would be exempt from production under section 7(1)(c) of the Act, which exempts “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.” In this case, the requested emails are the personal correspondence of Cary Nelson and release of the same would be an unwarranted invasion of personal privacy.

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