

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

February 4, 2015

Gary Ruskin



Re: FOIA 15-069

Dear Mr. Ruskin:

I am responding to your request dated January 28, under the Illinois Freedom of Information Act in which you request:

“all correspondence (letters, email) to or from Professor Chassy to or from any staff or employees of any of the following organizations:

Monsanto

Syngenta

Bayer or Bayer CropScience

BASF

DuPont or Pioneer

Dow or Dow AgroSciences

Ketchum

GMO Answers

Biotechnology Industry Organization

Council for Biotechnology Information

Grocery Manufacturers Association

Fleishman Hillard

Ogilvy & Mather

Winner & Mandabach

The time period covered by this request is from January 1, 2013 to the present.”

Please be advised, your request is being denied for the reasons set forth below.

Professor Chassy is retired from the University and has been so during the entire timeframe specified in your request. He has not worked on the University's behalf since his retirement.

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,*

Office for University Relations

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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).

Since Professor Chassy has not worked on the University’s behalf since his retirement, any correspondence between himself and the employees of the above organizations would not pertain to University business. Thus, these records are not “public records” and are not required to be disclosed under FOIA.

In the alternative, even if these records, if they exist, were subject to FOIA, they would be exempt from production under one or more sections of the Act, including but not limited to, section 7(1)(c), 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 Professor Chassy 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