February 10, 2015

“Larry Lawyer”

Re: FOIA Requests 15-017

Dear Mr. “Lawyer”:

I write to confirm receipt of your Freedom of Information Act (FOIA) request dated and received in my office on January 9, 2015, in which you requested the following information:

“I refer you to the attached documents obtained in the past by other parties related to the Salaita hiring, and which I obtained from various Internet sources. I query the appropriateness of various redactions as follow:
A). The first red box highlights redactions of From, To, and Subject in an email of 7-25-14 at 11:26 am. Please provide these fields in unredacted form or please inform me for each field what basis in Illinois law you made the redaction?
B). Second and third red boxes, as for A above, provide the redacted fields (not body text) or provide the justification in law for each redacted field.
C). Fourth box, if this is a private citizen’s name, phone etc, please so indicate. If it is a UI employee, please indicate on what basis you justify this redaction.
D). On the assumption you may assert that these fields were redacted under attorney-client privilege, please inform me on what basis attorney-client privilege applies to the names of email recipients?
E). If you assert attorney-client privilege, please provide me with the specific protocols your office follows to determine matter that is appropriately redacted under this privilege.”

Your FOIA request is not seeking a public document; instead, you are asking the University to answer questions or provide an explanation. In Kenyon v. Garrels, the 4th District Illinois Appellate Court found that “requests for information that did not identify the documents to be produced or made available was not in proper form.” 184 Ill. App. 3d 28, 33 (Ill. App. Ct. 4th Dist. 1989). The court went on to say, FOIA "does not compel the agency to provide answers to questions posed by the inquirer." Kenyon, 540 N.E.2d at 13 (citing Krohn v. Department of Justice (D.C. Cir. 1980), 628 F.2d 195).

Since your request is not a request for records, it is not in proper form and, thus, is denied.

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 Counselor, Office of the Attorney General, 108 Henry Administration Building, Urbana, IL 61801.
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.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer

cc: Laura Clower, Assoc. Univ. Counsel