February 19, 2015

Ms. Rachel Axon
USA TODAY
raxon@usatoday.com

Re: FOIA Request 15-127

Dear Ms. Axon:

I write to respond to your Freedom of Information request dated February 11, 2015, and received in my office on February 12, 2015, in which you requested:

“The doses or Toradol, an anti-inflammatory drug also known as ketorolac or ketorolac tromethamine, given to Illini football players in the following academic years: 2014-15, 2013-14, 2012-13, 2011-12 and 2010-11.

... To be clear, I am looking for aggregate data in whatever way it is maintained and not looking for the protected health information of individual players. For instance, another Division I university maintained a spreadsheet that tracked which players received the medication for each game throughout the season and produced that record with players’ names redacted.”

Please be advised, the Sports Medicine Department of the University of Illinois does not dispense prescription medications out of the training room or keep a log of the medication given to student-athletes. Documentation of a student’s prescriptions and over the counter medication is only kept in the student’s individual medical chart.

Since the information responsive to your request is only contained in student medical files, your request is being denied, pursuant to the following sections 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.” Specifically, 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 or parent of the student.

- 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 medical records, which are specifically included in the definition of “private 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 personal medical records, the release of which would constitute a clearly 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