

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

April 1, 2015

Andrew Scheinman
ascheinman@scheinmanlaw.com

Re: FOIA Requests 15-174, 15-175, and 15-176

Dear Dr. Scheinman:

I write to respond to your three Freedom of Information Act requests filed on March 3, 2015, in which you sought:

- “1. What is UIUC policy for preventing UI employees from deleting emails that must be retained under university and state document-retention policies?
2. What is UIUC-FOIA's standard operating procedure for insuring that FOIA productions include deleted emails?
3. What is UIUC-FOIA's standard operating procedure for searching backups of the university email system or systems for deleted emails?”

Your FOIA request is not seeking a public document; instead, you are asking the University to answer questions. 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\[at\]atg.state.il.us](mailto:publicaccess[at]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 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