

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

April 21, 2015

Andrew Scheinman
ascheinman@scheinmanlaw.com

Re: FOIA Request #15-205

Dear Dr. Scheinman:

I write to respond to your Freedom of Information Act request filed March 10, 2015, in which you requested:

- “1. All requests for documents provided by the CAFT committee collectively or its members or staff individually to UIUC;
2. All documents actually provided by UIUC to the CAFT committee collectively or its members or staff individually, either as a result of the CAFT's request or by UIUC's own accord, with the proviso that I am more than happy to work with UIUC-FOIA to allow sufficient time to process this request, if it is taxing on UIUC-FOIAs ability to respond; and,
3. An explicit indication as to which of the following FOIA productions earlier made by UIUC-FOIA were requested or supplied by/to the CAFT committee (I do not need the documents, only an indication of which were asked for, and which were provided):
 1. 14-529 (16pp);
 2. 14-535 (143pp);
 3. 14-536 (2pp);
 4. 14-538 (204pp);
 5. 14-540 (16pp);
 6. 14-544 (78pp);
 7. 14-565 (644pp);
 8. 14-579 (2pp);
 9. 14-591 (55pp);
 10. 14-617 (179pp);
 11. 14-652 (48pp);
 12. 14-748 (14pp).”

Documents responsive to points 1 and 2 have been withheld in their entirety pursuant to the following section(s) 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.” This includes information required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct.
- 140/7(1)(f) that exempts from disclosure “Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when

the record is publicly cited and identified by the head of the public body." This includes information regarding the formulation of an action or policy.

- 140/7(1)(m) that exempts from disclosure "Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body..." Pursuant to this exemption, communications covered under the attorney client privilege and/or the work product doctrine that would not be subject to discovery were withheld.

Point 3 of your FOIA request is not seeking a public document; instead, you are asking the University to 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 this point of 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 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