June 23, 2015

Julie Wurth
jwurth@news-gazette.com

Re: FOIA #15-426

Dear Ms. Wurth:

I write to respond to your Freedom of Information request of May 22, 2015, and received in my office on that date, in which you requested:

“…copies of all written and electronic communications to or from or on behalf of Illinois House Speaker Michael Madigan and University of Illinois President Timothy Killeen, Chancellor Phyllis Wise and Athletic Director Mike Thomas, from March 5, 2014, to the present. I would also like any emails to or from Killeen, Wise and Thomas with the keywords "speaker" or "Madigan" in that same time period.”

You subsequently clarified that the reference to the year “2014” was meant to be “2015.”

In a June 9, 2015, phone call with my office, you amended your request to remove the word “speaker” from your search unless it was in reference to Speaker Madigan.

Information responsive to your request is available and attached. These are public documents numbering 60 pages.

Portions of these documents have been redacted or other documents have been withheld 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.” 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. Therefore, student records or information that could lead to the identification of a student are exempt from production. In addition, information that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct was redacted or withheld from production.

- 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 cell phone numbers, personal email addresses, and the names and personally identifiable information of private citizens.

- 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 health information, as well as information pertaining to applicants for a position who were not hired. The Illinois Attorney General’s Public Access Counselor has previously upheld a public body’s decision to withhold information regarding unselected job applicants, as disclosure of such information would constitute a clearly unwarranted invasion of personal privacy under this section of the Act. (See, 2011 PAC 14437; 2011 PAC 13060).

- 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 preliminary discussions and expressions of opinion regarding possible policies and actions of the University.

- 140/7(1)(m) exempts “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, and materials prepared or compiled with respect to internal audits of public bodies.” A portion of your request includes communication between a public body and an attorney representing the public body for the purpose of obtaining legal advice and would not be subject to discovery in litigation.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

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