September 10, 2015

Anna Carrera
WCIA 3
acarrera@wcia.com

Re: FOIA Request 15-689

Dear Ms. Carrera:

I write to respond to your Freedom of Information request dated August 17, 2015, and received in my office on August 18, 2015, in which you requested:

“...a copy of any emails or correspondence sent between Phyllis Wise, Tim Killeen and Ed McMillan (or any combination of them) between March 2015 and the present that are related to Wise’s role as chancellor at the University of Illinois. That includes messages about email she had been sending from personal account, any other possible concerns and plans for meetings between any of them to discuss how to move forward.”

On August 26, 2015, you narrowed your request to seek emails between Dr. Wise, President Killeen, and Ed McMillan regarding Dr. Wise’s resignation and the ethics inquiry into the use of personal email accounts during the period of July 22, 2015 – August 14, 2015. You also filed a new FOIA request to seek the first correspondence President Killeen received regarding the ethics inquiry into the use of personal email accounts.

Information responsive to your requests is available and attached. These are public documents numbering 82 pages.

Portions of these documents have been redacted 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.” Under this exemption, information that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct were redacted from the responsive documents. In addition, information prohibited from being disclosed under 5 ILCS 430/20-95(a) of the State Officials and Employees Ethics Act was redacted from the responsive records.

- 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 personal home and email addresses, cell phone numbers, and office direct-dial numbers as well as conference call-in numbers and IDs.

- 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 family information, vacation information, and identifying information of private citizens.

- 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 draft statements and documents, and expressed opinions.

- 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 redacted or withheld from the responsive records.

- 140/7.5(h) of the Act, which exempts from production “Information, the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430/1-1, et. seq.], and records of any lawfully created State or local inspector general’s office that would be exempt if created or obtained by an Executive Inspector General’s office under that Act.” This includes documents prohibited from disclosure under the State Officials and Employee Ethics Act.

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