

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

September 24, 2015

Monica Eng
On behalf of US Right to Know
meng@wbez.org

Re: FOIA Request 15-769

Dear Ms. Eng:

I write to respond to your narrowed Freedom of Information request dated September 14, in which you requested:

“All correspondence including e-mails, to or from Professor Bruce Chassy to or from any staff or employees of the following organizations: Monsanto, Ketchum Biotechnology Industry Organization, Council for Biotechnology Information; Sent or received during the period from and including July 1, 2011 through and including June 19, 2012.”

Information responsive to your request is available and attached. These are public documents numbering 346 pages.

Portions of these documents have been redacted or other documents have withheld pursuant to the following section(s) of the Act:

- 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 home addresses, personal telephone numbers and personal email addresses
- 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, information about private citizens and other personally private information.
- 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.” The responsive documents contain draft documents, preliminary discussions and expressions of opinion regarding possible policies and actions of the University.
- 140/7 (1) (i) of the act exempts from disclosure “valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.” This includes research material that could produce private gain or create public loss if disclosed and frustrate the procedure of the public body.

Office for University Relations

Urbana • 108 Henry Administration Building • MC 370 • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733
Chicago • 414 Administrative Office Building • MC 971 • 1737 West Polk Street • Chicago, IL 60612-7228 • (312) 996-3772

- 140/7(1)(j)(iv) exempts from disclosure “course materials or research materials used by faculty members.” This includes faculty research information.

Please note, a portion of one email string was redacted as it pertained to Professor Chassy’s involvement in an outside organization and did not pertain to University business. The term “public records” is defined in the Act as:

“all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials *pertaining to the transaction of public business*, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.” (5 ILCS 140/2(c)) (Emphasis added).

The redacted portion of this email string does not involve Professor Chassy’s employment at the University, nor does it pertain to the transaction of public business. Thus, this portion of the email string is not subject to FOIA and was redacted. For your information, even if the portion of this email string was subject to FOIA, it would be exempt from production under one or more sections of the Act cited above, including, but not limited to, the following:

- 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.”
- 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 of relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

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