



UNIVERSITY OF ILLINOIS SYSTEM

OFFICE FOR UNIVERSITY RELATIONS Freedom of Information Act 2020 Year-End Review

The Freedom of Information Act (FOIA) is an Illinois statute that provides the public access to the documents and records of public bodies, including the University of Illinois System. The Illinois FOIA was enacted in 1984 and is modeled under the federal FOIA, which was enacted in 1965. Under this statute, the U of I System is a public body that must respond to most requests within a five-day period, though an extension may be taken that provides an additional five days to respond. After the five- or ten-day period, the system will provide the records (with possible redactions), or withhold the records and provide a detailed basis for the exemption. A minimum of 26 exemptions exist in the statute that serve to withhold records on the basis of such things as personal privacy, pending law enforcement investigations, trade secrets and other statutes.

As specified below, the requesters range from media outlets to former and current students.

In 2011, after the statute was subject to several substantial amendments, the process for responding to FOIA requests was centralized so the System Offices could coordinate all three universities (Urbana-Champaign, Chicago and Springfield) and provide system-wide consistency in dealing with FOIA. Presently, the Office for University Relations (OUR) processes FOIA requests made to all three universities and System Offices. Former Executive Director Tom Hardy and Assistant Director Matt Rogina, a licensed attorney, coordinate this centralized process, manage the distributed FOIA processing staff, and serve as liaison to requestors and to the Illinois Attorney General's Public Access Counselor. On complex and sensitive FOIA matters, OUR staff consult with the Office of University Counsel, and finalize all response letters. Matt Rogina works with a team of communications and administrative staff throughout the system, including Interim Director Kirsten Ruby, to ensure proper and timely sharing of information.

Request processing is assigned based on the particular strengths and subject matter expertise – including intimate knowledge of each university – of a FOIA coordinator (all of whom have other responsibilities):

- Jaclyn Banister – Urbana requests
- Jenny Fontaine – Chicago requests
- Andrew Helregel – Urbana and commercial requests
- Jill Weathers – Multi-campus, Springfield and System Offices requests

The OUR executive director is the signatory of response letters as chief records officer for the system.

Reported to the Board of Trustees
March 11, 2021



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2020 SUMMARY

- In calendar 2020, 1,030 requests were received. This represents 114 fewer requests than 2019. The decrease was likely the result of the COVID-19 pandemic, as March, April and May saw an average of 65.33 requests per month, well below the 2019 average of 97 for those months. See Appendix A.

- The FOIA requests for 2020 include information for:
 - Police reports
 - Bid information
 - Athletic contracts
 - Donor information
 - Emails
 - Disciplinary records
 - Grade distributions
 - Board of Trustees information
 - Course syllabi
 - Water well records
 - Salary information
 - Settlement agreements
 - Student directory information
 - Title IX Information
 - Sexual misconduct reports
 - Purchasing contracts
 - Animal research records
 - Uncashed checks
 - Investment information

- Types of requesters:
 - News media
 - Students and former students
 - Former employees
 - Vendors
 - Data research companies
 - Law firms
 - Other universities
 - Not for profits

- Most commonly cited exemptions:
 - Section 7(1)(a) – information prohibited by disclosure from a federal or state statute such as the Federal Education Rights and Privacy Act, the Personnel Records Review Act and the Illinois Medical Studies Act. These exemptions covered student names, employee evaluations and research information.
 - Section 7(1)(b) – private information. This includes student email addresses and employee home addresses.



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- Section 7(1)(c) – personal information. This includes dates of birth, private citizen names and other highly personal information about University employees or third parties.
 - Section 7(1)(d)(ii) – information that would interfere with administrative hearings. This includes records relating to investigations into sexual misconduct allegations of employees during the pendency of the investigation.
 - Section 7(1)(d)(iv) – witness information. This includes people who provide information to University of Illinois Police.
 - Section 7(1)(f) – deliberative communication. This includes predecisional opinions in emails expressing a course of action.
 - Section 7(1)(g) – trade secrets. This includes proprietary information given to the University usually as part of a bid proposal.
 - Section 7(1)(i) – valuable formulate. This includes proprietary and valuable information generated by the University.
 - Section 7(1)(j)(ii) – student misconduct cases.
 - Section 7(1)(j)(iv) – faculty research.
 - Section 7(1)(m) – attorney/client information. This includes legal advice by the Office of the University Counsel to University staff.
 - Section 7(1)(n) – disciplinary reports. This includes reports regarding employee misconduct determined unfounded or when discipline was not imposed.
- Several 2020 requests were related to matters that were of significant media interest, such as:
 - Separation, settlement and severance agreements
 - NCAA Financial Reports
 - Athletic contracts
 - Title IX investigations
 - Emails related to instances of anti-Semitism at the University
- In 2020, the System received 112 requests related to the COVID-19 pandemic. Those requests were for:
 - Emails related to the COVID shutdown
 - Zoom expenses
 - Department of Intercollegiate Athletics COVID stats
 - Emails of UIUC reserachers Sergei Maslov and Nigel Goldenfeld
 - Emails related to the postponement of the football season
 - Emails between the University and the Federal Food and Drug Administration
 - Emails between the Office of the University President and the Office of the Governor
 - Emails regarding the COVID deaths of University of Illinois Chicago nurses
 - COVID complaints
 - Emails between the University and Yale University regarding the testing program
 - Fraternity violations
 - Housing complaints
 - Internal Review Board documents concerning the testing program
 - SHIELD contracts



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- Email communication with Claremont College
- Quarantine data

The Office for University Relations responded to requests from the following media organizations:

- ABC News
- Associated Press
- The Athletic
- The Atlantic
- Austin American Statesman
- Better Government Association
- Bloomberg
- CBS News
- Chicago Reporter
- Chicago Tribune
- Chronicle of Higher Education
- Cleveland Plain Dealer
- CNN
- College AD
- Columbia School of Journalism
- Crain's
- C-U Citizen Access
- Daily Illini
- Deadspin
- ESPN
- Forbes
- GEO News
- HBO Sports
- Hechinger Report
- Illinois Times
- Inside Higher Education
- The Intercollegiate
- Midwest Center for Investigative Reporting
- Milwaukee Journal Sentinel
- Muck Rock News
- NCAA.com
- New York Times
- The News-Gazette
- Northwest Herald
- Northwestern Medill School of Journalism
- NPR
- Pro Publica
- Reuters
- Sportico



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- Sports Illustrated
 - Springfield Leaks
 - St. Louis Post-Dispatch
 - State Journal-Register
 - USA Today
 - Wall Street Journal
 - Washington Post
 - WBBM
 - WBEZ (Chicago NPR affiliate)
 - WCIA (CBS Champaign affiliate)
 - WICS (ABC Springfield affiliate)
 - WILL (University NPR affiliate)
 - Wisconsin State Journal
 - WUIS (UIS NPR affiliate)
- The System received 259 media requests in 2020. NCAA.com submitted 31 requests while the University of Illinois NPR affiliate WILL submitted 16 requests. A substantial number of these requests were related to email communication regarding the postponed Big Ten Men's Football season.
 - Of the 182 commercial FOIA requests received last year, a minimum of 20 requests were filed by sports information companies and at least 30 requests were submitted by commercial vendors seeking procurement and bidding information.
 - In calendar year 2020, the system's FOIA website had 4,465 pageviews from 1,119 users who accessed the website.
 - Any requestor may ask for a request for review of the system's response with the Office of the Attorney General's Public Access Counselor (PAC) or file a lawsuit pursuant to Section 11 of FOIA. A request for review does not necessarily indicate any impropriety or improper handling of a request or responsive documents. FOIA responses issued by the U of I System were appealed to the PAC for review 16 times in 2020. This represents less than 2 percent of System responses in 2020. The PAC issued three determination letters that were fully decided in the system's favor. The remaining 2020 appeals are pending, were informally resolved, withdrawn or were determined to be unfounded.
 - The PAC issued a favorable determination finding that interview materials and notes of unsuccessful candidates are exempt under section 7(1)(c).
 - The PAC issued a favorable determination finding that the System properly conducted a search of Director of Athletics Josh Whitman's emails.
 - The PAC issued a favorable determination finding that the System conducted a proper search of police records responsive to a July request submitted by C-U Citizen Access.



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- The System settled a FOIA-related lawsuit brought by the Better Government Association seeking a copy of a legal opinion regarding University of Illinois Springfield's Title IX policy for WUIS. There was no responsive legal opinion.
- The Office for University Relations conducts presentations for the various colleges and departments within the System. Presentations regarding FOIA and departmental responsibilities were given to the following groups:
 - The Graduate College, Urbana
 - Certified Business Administrator program participants in Chicago, Urbana, and Springfield
- As is our customary practice, former Executive Director Tom Hardy, Interim Director Kirsten Ruby, Assistant Director Matt Rogina, and the FOIA coordinators completed the yearly FOIA training required by the Office of the Illinois Attorney General.
- Throughout the year, the FOIA processing staff met weekly (over Zoom) to discuss issues, processing policies, and new developments with the law. In prior years, the Office for University Relations held internal retreats in Urbana to discuss future goals. The FOIA staff plan to have a similar retreat in late 2021 or early 2022. The FOIA staff also intends to hold their semi-annual meeting with the Office of University Legal Counsel to address pending and recurring matters that have legal consequences for the System.
- In 2020, the Office of University Relations updated its website to include all FOIA response letters dating back to 2015.
- The FOIA staff had planned to hold FOIA retreat in June 2020 for FOIA officers at other Illinois higher education institutions. This was canceled due to the COVID-19 pandemic. The retreat will be re-scheduled in June 2022 and feature panel presentations and discussions from University of Illinois System officers and representatives from the Illinois Attorney General Public Access Counselor's office. In 2021, the Office of University Relations plans to hold a semi-annual phone conference with the Office of University Legal Counsel to discuss pressing FOIA matters that are of legal significance.



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Appendix A

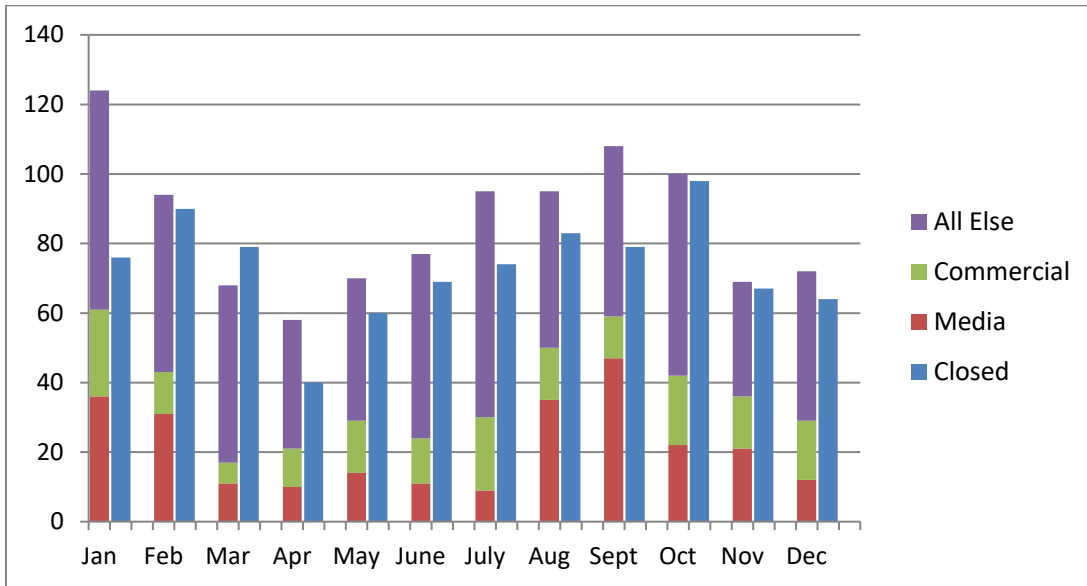
Received in Calendar 2020

Month	Received	Closed	Pages Provided
January	124	76	5,762
February	94	90	59,698
March	68	79	11,247
April	58	40	8,380
May	70	60	23,753
June	77	69	29,350
July	95	74	17,527
August	95	83	16,118
September	108	79	8,618
October	100	98	17,919
November	69	67	3,966
December	72	64	4,394
Total	1,030	879	206,732
Average	85.83	73.25	17,227.67

* The term “closed” means (1) our office issued a final response approving or denying the request; (2) our office issued a request to narrow letter, to which the requestor did not respond; or (3) the request was withdrawn.

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Open and Closed in Calendar 2020



Type of Request Received

Month	Media	Commercial	Other
January	36	25	63
February	31	12	51
March	11	6	51
April	10	11	37
May	14	15	41
June	11	13	53
July	9	21	65
August	35	15	45
September	47	12	49
October	22	20	58
November	21	15	33
December	12	17	43
Total	259	182	589
Average	21.58	15.17	49.08



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Campus of Interest Statistics

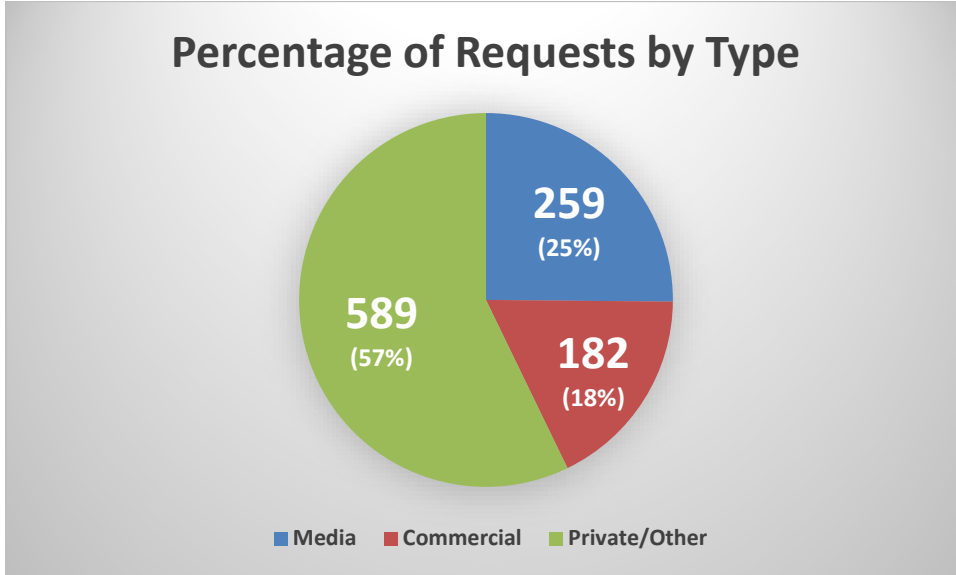
Campus	Number of Requests	Percentage of Requests	Pages Provided
Urbana	595	57.77%	109,447
Chicago	233	22.62%	42,173
Springfield	60	5.83%	10,213
System	112	10.87%	8,160
Multiple universities	30	2.91%	36,739

Requests by Campus

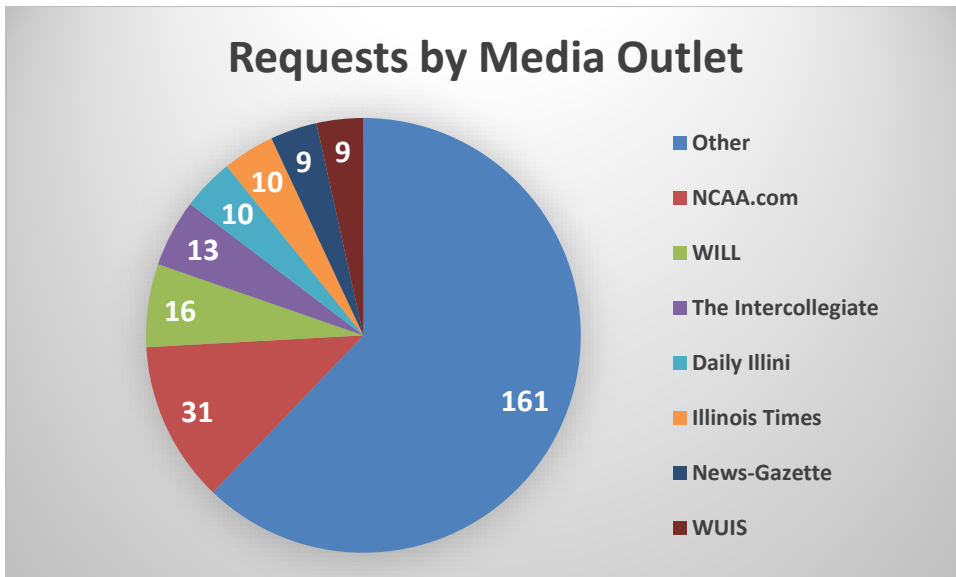
	Total	Urbana	Chicago	Springfield	System	Multi
Number of Media	259	167	27	33	21	11
Number of Commercial	182	73	50	10	43	6
Number of Private/Other	589	355	156	17	48	13
Total	1,030	595	233	60	112	30
Percent of Media requests by campus		64.48%	10.42%	12.74%	8.11%	4.25%
Percent of Commercial requests by campus		40.11%	27.47%	5.49%	23.63%	3.30%
Percent of Private/Other requests by campus		60.27%	26.49%	2.89%	8.15%	2.21%

Overall percent of Media requests	25.15%
Overall percent of Commercial requests	17.67%
Overall percent of Private/Other requests	57.18%

Percentage of Requests by Requester Type



Requests by Media Outlet



63 total outlets.
Other includes outlets filing fewer than 8 requests.