



# UNIVERSITY OF ILLINOIS SYSTEM

## OFFICE FOR UNIVERSITY RELATIONS Freedom of Information Act 2019 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, Springfield and Chicago) 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. 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 University legal counsel, and finalize all response letters. Matt Rogina works with a team of communications and administrative staff throughout the system, including OUR Associate 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 12, 2020



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### 2019 SUMMARY

- In calendar 2019, 1,144 requests were received. This represents 76 more requests than 2018. This is a record number of requests received since the process was centralized in 2011.
  
- The FOIA requests for 2019 include information for:
  - Police reports
  - Bid information
  - Athletic contracts
  - Donor Information
  - E-mails
  - 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
  
- 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.
  - 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.



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- 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)(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 2019 requests were related to matters that were of significant media interest such as:
    - Disciplinary reports issued by the Office of Diversity Equity and Access regarding University faculty and other staff accused of sexual misconduct
    - Investigatory records relating to the November 2019 murder of a UIC student
    - The merger of the University of Illinois at Chicago with the John Marshall Law School
    - Separation, settlement and severance agreements
    - Information related to the investigation and arrest of former student Brendt Christensen
    - Legal expenditures related to the University’s investigations of sexual misconduct cases
    - NCAA Financial Reports
    - Athletic contracts

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

- ABC News
- Arizona Daily Star
- Arrow Media
- Associated Press
- The Athletic
- Better Government Association
- Blane Canada
- Bloomberg
- CBS News
- Chicago Daily Law Bulletin
- Chicago One Media
- Chicago Reporter
- Chicago Tribune
- Chronicle of Higher Education
- Cleveland Plain Dealer
- CNN
- The College Fix
- Daily Illini
- Daily Nebraskan
- ESPN



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- Forbes
  - FOX
  - Gatehouse Media
  - Illinois Public Media
  - Inside Higher Ed
  - The Intercollegiate
  - Michigan Daily
  - Minnesota Daily
  - MTV News
  - Muck Rock News
  - National Public Safety
  - Nature Magazine
  - NBC
  - New York Times
  - The News-Gazette
  - The Pantagraph
  - Post Publishers
  - Pro Publica
  - Shaw Media
  - South China Morning Post
  - Sports Business Journal
  - Sports Illustrated
  - SSW
  - St. Louis Post Dispatch
  - USA Today
  - Wall Street Journal
  - Washington Post
  - WCIA (CBS Champaign affiliate)
  - WGN
  - WICS (ABC Springfield affiliate)
  - WILL (University NPR affiliate)
  - Wisconsin State Journal
  - WOUB News
  - WQAD (ABC Quad Cities affiliate)
  - WUIS (UIS NPR affiliate)
- WUIS submitted 59 requests in 2019 while The News-Gazette submitted 21 requests. A substantial number of WUIS requests were related to sexual misconduct investigations conducted with Pro Publica.
  - Among the nonmedia requests, one not-for-profit organization submitted approximately 40 requests. Companies continue to use FOIA as a means to gather commercial information. Of the 158 commercial FOIA requests received last year, a minimum of 20 requests were filed by sports information companies and more than 25 requests were submitted by commercial vendors seeking procurement and bidding information.



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- In calendar year 2019, the system's FOIA website had 4,840 pageviews from 1,519 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). 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 were appealed to the PAC for review 20 times in 2019. This is approximately less than 2 percent of University responses in 2019. The PAC issued five determination letters in 2019 that were fully decided in the system's favor. The remaining 2019 appeals are pending, were informally resolved, or were determined to be unfounded.
- The PAC issued a favorable determination finding that notes of an admissions counselor regarding a prospective student is exempt under section 7(1)(f).
- The PAC issued a favorable determination finding that the University properly applied the Medical Studies Act to research protocols and portions of letters that discuss research misconduct.
- The PAC issued a favorable determination finding that the system properly withheld salary surveys under section 7(1)(g).
- The PAC issued a favorable determination finding that the system properly withheld records relating to the adjudication of a police officer under section 7(1)(n).
- The PAC issued a favorable determination finding that it properly designated a requester as a recurrent requester who had filed multiple requests under several aliases.
- 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:
  - Office of the Vice Chancellor for Research and Innovation, Urbana
  - Business Administrators Certification Program attendees, UIC, UIS, and Urbana
- As is our customary practice, Executive Director Tom Hardy, Associate Director Kirsten Ruby, Assistant FOIA 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 to discuss issues, processing policies, and new developments with the law. In 2019, the Office for University Relations held an April retreat in Urbana to discuss future goals. In March, the Office for University Relations held its first semi-annual meeting with the Office of University Legal Counsel to address pending and recurring matters that have legal consequences for the University. The Office for University Relations intends to have two similar meetings with the Office of the Legal Counsel in 2020 and to hold its second internal retreat in April.



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- The University intends to hold a FOIA retreat in June 2020 for FOIA Officers at other Illinois higher education institutions. The retreat will be feature panel presentations and discussions from University of Illinois System officers and representatives from the Illinois Attorney General Public Access Counselor’s office.

### Received in Calendar 2019

Month	Received	Closed	Pages Provided
January	93	51	4,034
February	113	97	8,023
March	99	104	13,116
April	96	70	7,766
May	97	108	107,471
June	64	71	13,456
July	93	82	8,376
August	67	71	6,969
September	95	71	5,225
October	147	120	31,457
November	97	94	13,795
December	83	104	37,359
Total	1,144	1,043	257,047
Average	95.33	86.92	21,420.58

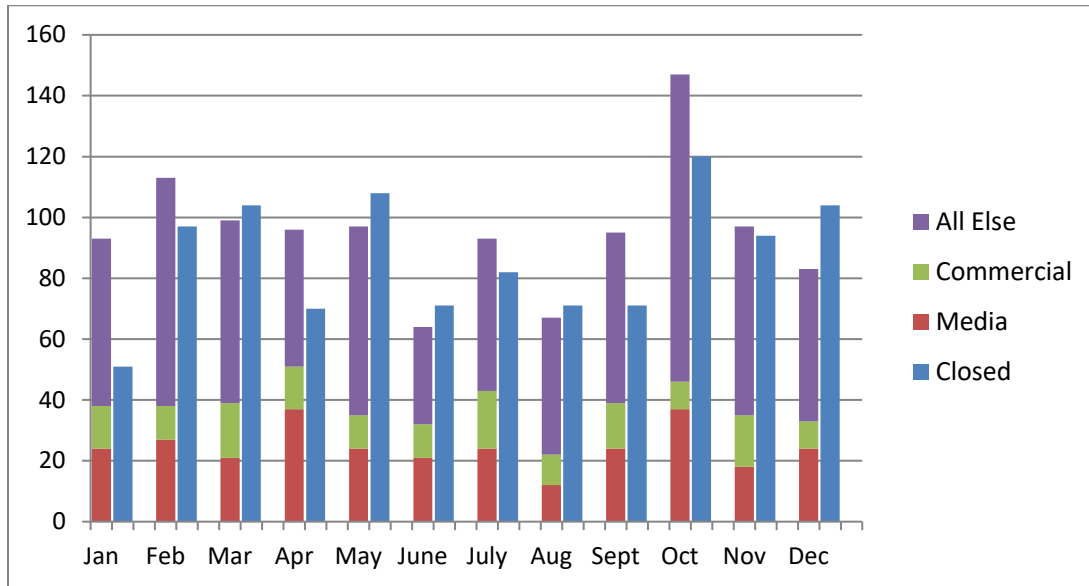
\* The term “closed” means (1) our office issued a final response approving or denying the request; (2) our office issued a request to narrow letter, to which the requestor did not respond; or (3) the request was withdrawn.



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## Open and Closed in Calendar 2019



## Type of Request Received

Month	Media	Commercial	Other
January	24	14	55
February	27	11	75
March	21	18	60
April	37	14	45
May	24	11	62
June	21	11	32
July	24	19	50
August	12	10	45
September	24	15	56
October	37	9	101
November	18	17	62
December	24	9	50
Total	293	158	693
Average	24.42	13.17	57.75



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### University Statistics

Campus	Number of Requests	Percentage of Requests	Pages Provided
Urbana	716	62.59%	149,486
Chicago	278	24.3%	64,382
Springfield	32	2.8%	1,130
System	82	7.17%	13,744
Multiple universities	36	3.15%	1,644

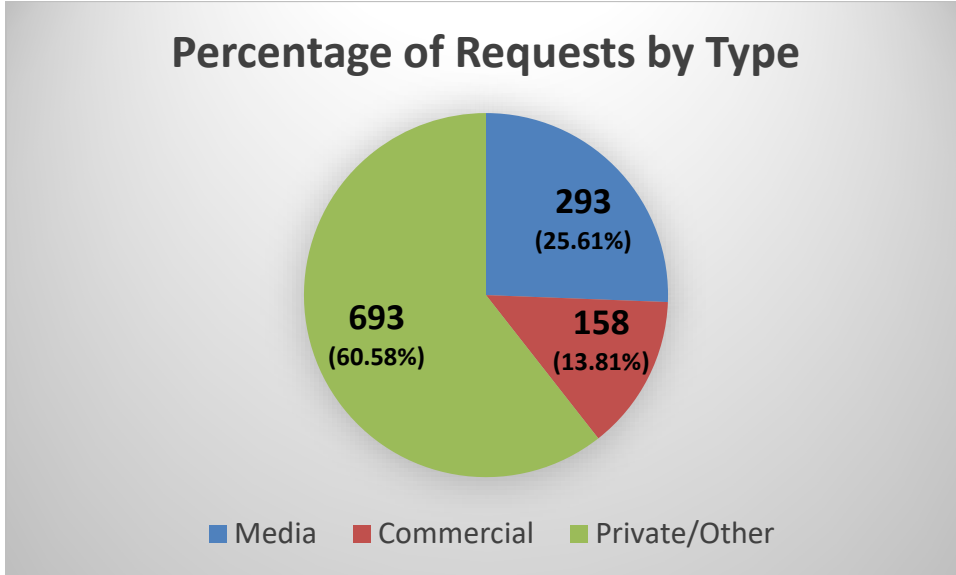
### Requests by University

	Total	Urbana	Chicago	Springfield	System	Multi
Number Media	293	196	59	7	21	10
Number Commercial	158	60	50	10	29	9
Number Private/Other	693	460	169	15	32	17
<b>Total</b>	<b>1,144</b>	<b>716</b>	<b>278</b>	<b>32</b>	<b>82</b>	<b>36</b>
Percent Media requests by campus		66.89%	20.14%	2.39%	7.17%	3.41%
Percent Commercial requests by campus		37.97%	31.65%	6.33%	18.35%	5.7%
Percent Private/Other requests by campus		66.38%	24.39%	2.16%	4.62%	2.45%

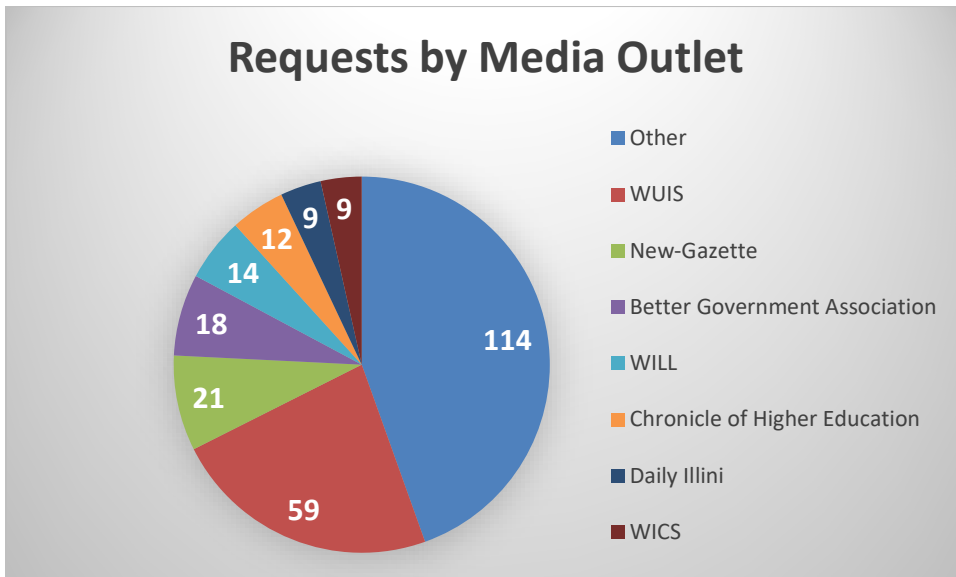
Overall percent Media requests	25.61%
Overall percent Commercial requests	13.81%
Overall percent Private/Other requests	60.58%



## Percentage of Requests by Requester Type



## Requests by Media Outlet



55 total outlets.  
*Other* includes outlets filing fewer than 7 requests.