



UNIVERSITY OF ILLINOIS SYSTEM

OFFICE OF EXTERNAL RELATIONS AND COMMUNICATIONS

Freedom of Information Act 2023 Year-End Review

ILLINOIS FREEDOM OF INFORMATION ACT (FOIA) and OFFICE OVERVIEW

The Illinois Freedom of Information Act (FOIA) is a statute that provides the public access to the documents and records of public bodies, including the University of Illinois System (System). FOIA was enacted in 1984 and is modeled from the federal FOIA, which was enacted in 1965. Under this statute, the System is a public body that must respond to most requests within five (5) business days, though an extension may be taken that provides an additional five (5) business days to respond. Within the five- or ten-business-day period, the System coordinates with the appropriate personnel and/or unit(s) to collect responsive records and review them for any applicable exemptions under FOIA. The FOIA Office provides responsive records, subject to any redaction(s) or withholding(s) pursuant to any applicable exemption(s), and provides a detailed basis for the exemption. Dozens of exemptions exist in the statute, and dozens more are identified in other statutes, that serve to withhold records on the basis of such things as personal privacy, pending law enforcement investigations, trade secrets, and deliberative processes.

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 complying with FOIA. Presently, the Office of External Relations and Communications (ERC) processes FOIA requests made to all three universities and System Offices. Associate Director for FOIA Administration Matt Sullard coordinates this centralized process, manages the distributed FOIA processing staff in conjunction with University of Illinois Chicago and University of Illinois Urbana-Champaign Public Affairs personnel, and serves as liaison to requestors and to the Illinois Attorney General's Public Access Bureau. On complex and sensitive FOIA matters, FOIA staff consult with the Office of University Counsel and finalize all response letters. Matt Sullard and the FOIA team work with communications and administrative staff throughout the System to ensure proper and timely sharing of information.

As this report shows, the number of requests annually continued its upward trend. The System received 1,665 requests in 2023 and is currently projected to received approximately 2,100 in 2024. The year-end total represents an increase of more than 35% compared to 2022, in which 1,226 requests were received. Without increasing the number of staff, the Universities' FOIA professionals successfully handled the increased workload, while also overcoming the challenges of increasingly complex requests, an exponential increase in officer-worn body camera requests, and an increasing number of recurrent requestors. The year also saw several personal changes. Both the University of Illinois Chicago FOIA Officer and the System's Senior FOIA Coordinator roles were replaced with new staff.

FOIA requests continue to become more complex and time-consuming. This year's primary contributing factor is the dramatic increase in requests for officer-worn body camera footage. These requests are extremely arduous due to the obligatory redactions placed on law enforcement agencies in the Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706). The FOIA Office does not currently have video redaction software; law enforcement BWC recordings typically only work with specific law enforcement recording software. Under current processes, requested Body-Worn Camera (BWC) footage is uploaded to the cloud-based Box file-sharing platform, where FOIA staff can download it. FOIA personnel then review every second of footage and make note of any required or permissive exemption(s) that may apply. That list of redactions is then sent back to the law enforcement agency to apply as needed, and is then re-uploaded to the Box folder for final download and review. As all FOIA request responses are approved by the Associate Director, any BWC requests not handled by



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the Associate Director are reviewed an additional time by him prior to release. Ways to make this process more efficient are currently being explored.

Other more involved requests include requests involving email communications and/or deliberative discussions, such as when multiple employees use email to coordinate on a draft of a release or project. Under the exemption known as the “deliberative process exemption,” pre-decisional or deliberative communications are exempt from production. This supports a public policy encouraging frank and open discussion in crafting final determinations, especially regarding policies or decisions with a wide impact. When topics in the pre-decisional stage are included in a request for records, the FOIA Office must scrutinize the communications for the appropriate redacting, which often requires some back-and-forth collaboration with the provider(s) of the communications to ensure the exemption is being applied to pre-decisional items accurately.

Other sensitive topics may include delicate or technical IT information, proprietary or confidential trade secrets, research information and data, and protected attorney-client communications.

Multiple-part requests and requests seeking records from multiple Universities also add to the complexity of a request, as each such request functions as several-in-one. These requests often require additional coordination among various personnel and/or units.

Further, requestors receiving responses denying a request in whole or in part pursuant to an appropriate exemption, or receiving responses that a request is unduly burdensome to the University (with an opportunity to narrow the request provided), often return with one more follow-up requests. These requestors can quickly find themselves considered recurrent requestors under FOIA. For example, one such requestor seeking records from the University of Illinois Urbana-Champaign has submitted 180 requests since December 5, 2022.

The increasing knowledge, accessibility, and ease of submitting a FOIA request has likely contributed to the increases in volume. Technological advancements have created the possibility of submitting requests simply via one’s smartphone throughout the day, or during evenings or weekends. The University System is the largest public university in the State, with many projects and achievements throughout the year. Being so active and newsworthy has helped keep the University in the minds of those seeking information.

The FOIA team and assignments are listed below:

- Matt Sullard – assignments, approvals, Urbana-Champaign overflow, complex, high-profile or delicate requests, recurrent requests, Springfield, and PAC appeals
- Jamie Turpin – Multi-campus, Urbana-Champaign, and System Offices requests
- Jaclyn Banister – Urbana requests
- Andrew Marlan – Chicago requests, occasional assistance with portions of Multi-campus requests
- Heather Toth – Urbana requests, primary for DIA requests, System and Multi-campus requests

Team members also provide trainings to units relevant to their primary university or topical assignments.

Vice President Adrienne Nazon is the signatory of response letters as Chief Records Officer for the System. Some of the team members listed above provide services to the FOIA Office on a part-time basis, either as part-



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time employees or with divided duties. Generally, one absence creates a void of roughly 20% of the FOIA team's workforce. Recently, approval was granted for the System to hire a full-time FOIA Coordinator to assist in processing the ever-increasing workload.

BY THE NUMBERS

- In calendar year 2023, the U of I System received 1,665 requests resulting in the review of nearly 162,000 pages of records. This represents 439 more requests – or 35.8% – and nearly 12,000 additional pages to review than in 2022. Requests received in 2023 totaled more than 100 in all 12 months, including six months with more than 140 requests, and one month (October) with nearly 200 requests. All months experienced increases compared to 2022 numbers.

Received in Calendar 2023

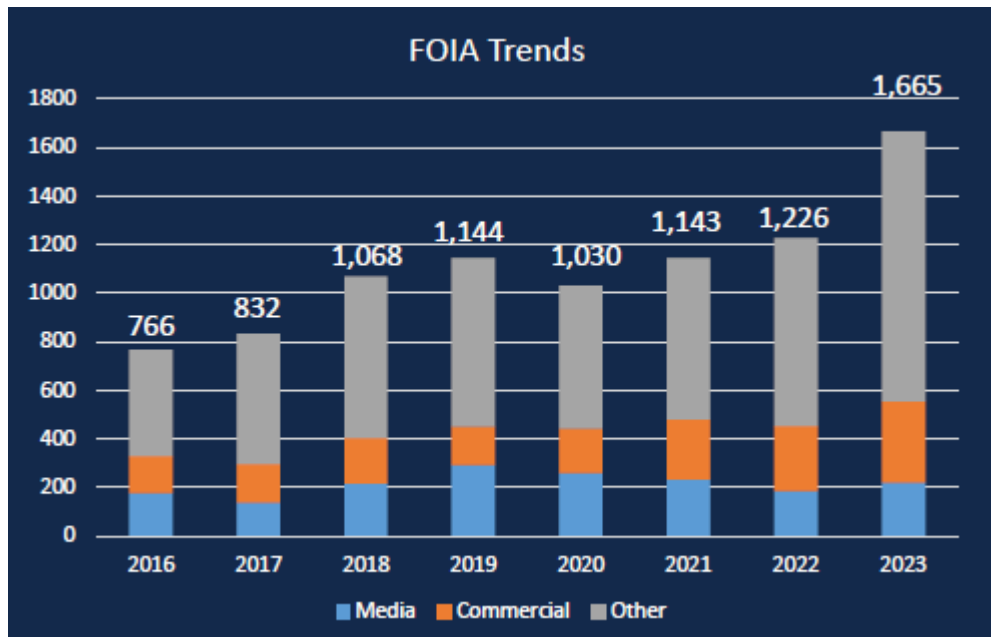
| Month | Received | Closed* | Pages Reviewed |
|-----------|----------|---------|----------------|
| January | 142 | 71 | 8,879 |
| February | 148 | 99 | 17,831 |
| March | 157 | 121 | 22,351 |
| April | 137 | 110 | 9,479 |
| May | 145 | 111 | 12,580 |
| June | 109 | 108 | 8,697 |
| July | 102 | 91 | 8,118 |
| August | 127 | 86 | 10,044 |
| September | 129 | 112 | 10,813 |
| October | 193 | 144 | 16,109 |
| November | 169 | 159 | 22,352 |
| December | 107 | 133 | 14,522 |
| | | | |
| Total | 1,665 | 1,345 | 161,775 |
| | | | |
| Average | 138.75 | 112.08 | 13,481.25 |

- * 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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- In calendar year 2023, total requests continued its upward trend. The University of Illinois Urbana-Champaign continued to receive substantially outpace any other University or categorization with 67.33% of all requests.

Campus of Interest Statistics

| Campus | 2022 Requests | 2023 Requests | 2023 Percentage of Requests | 2023 Pages Provided |
|-----------------------|---------------|---------------|-----------------------------|---------------------|
| Urbana-Champaign | 666 | 1,121 | 67.33% | 64,094 |
| Chicago | 279 | 341 | 20.48% | 45,256 |
| Springfield | 80 | 55 | 3.30% | 2,193 |
| System | 145 | 98 | 5.89% | 11,102 |
| Multiple universities | 56 | 47 | 2.82% | 38,988 |



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2023 Requests by Campus

| | Total | Urbana | Chicago | Springfield | System | Multi |
|---|-------|--------|---------|-------------|--------|-------|
| Number of Media | 220 | 153 | 36 | 3 | 20 | 8 |
| Number of Commercial | 334 | 209 | 68 | 12 | 35 | 10 |
| Number of Private/Other | 1,111 | 759 | 244 | 41 | 43 | 29 |
| Total | 1,665 | 1,121 | 348 | 56 | 98 | 47 |
| | | | | | | |
| Percent of Media requests by campus | | 69.55% | 16.36% | 1.36% | 9.09% | 3.64% |
| Percent of Commercial requests by campus | | 62.57% | 20.36% | 3.59% | 10.48% | 2.99% |
| Percent of Private/Other requests by campus | | 68.32% | 21.96% | 3.69% | 3.87% | 2.61% |

| | |
|---|--------|
| Overall percent of Media requests | 17.94% |
| Overall percent of Commercial requests | 27.24% |
| Overall percent of Private/Other requests | 66.73% |



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- **2023 REQUESTS SOUGHT:**

- Vendor agreements & Purchasing orders
- NCAA expense reports
- Grade distributions
- Police reports
- Bid information
- Athletic contracts
- Emails
- Admissions Data
- Disciplinary records
- Water well records
- Salary information
- Student directory information
- Title IX Information
- Uncashed checks
- Investment information

- **2023 COMMON EXEMPTIONS APPLIED:**

- Section 7(1)(a) – information prohibited by disclosure from a federal or state statute such as the Federal Education Rights and Privacy Act (FERPA), the Personnel Records Review Act (PRRA), and the Law Enforcement Officer-Worn Body Camera Act (BWC Act).
- Section 7(1)(b) – private information. This includes individually identifiable information that could lead to identity theft, such as home addresses, personal telephone numbers, and social security numbers.
- Section 7(1)(c) – personal information. This includes highly personal information such as dates of birth, third-party names, and race.
- Section 7(1)(d)(iv) – witness information. This includes people who provide information to the University of Illinois Department of Public Safety.
- Section 7(1)(f) – deliberative communication. This includes drafts and pre-decisional communications containing deliberative opinions, notes, and recommendations.
- Section 7(1)(g) – trade secrets. This includes confidential or proprietary information given to the University, usually as part of a bid proposal.
- Section 7(1)(j)(ii) – student misconduct cases.
- 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.



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- **2023 TYPES OF REQUESTORS:**

- News media
- Current and former students
- Current and former employees
- Vendors
- Data research companies
- Law firms
- Other universities
- Not for profits

Type of Request Received

| Month | Media | Commercial | All Else |
|-----------|-------|------------|----------|
| January | 18 | 42 | 82 |
| February | 13 | 40 | 95 |
| March | 30 | 21 | 106 |
| April | 23 | 14 | 100 |
| May | 18 | 30 | 97 |
| June | 11 | 19 | 79 |
| July | 11 | 26 | 65 |
| August | 16 | 33 | 78 |
| September | 18 | 22 | 89 |
| October | 22 | 37 | 134 |
| November | 31 | 16 | 122 |
| December | 9 | 34 | 64 |
| | | | |
| Total | 220 | 334 | 1,111 |
| | | | |
| Average | 18.33 | 27.83 | 92.58 |

- Several 2023 requests were related to matters that were of significant media interest, such as:

- NCAA Financial Reports
- Athletics coach and game contracts
- Concert tour riders
- Title IX investigations
- Email communications about trending topics



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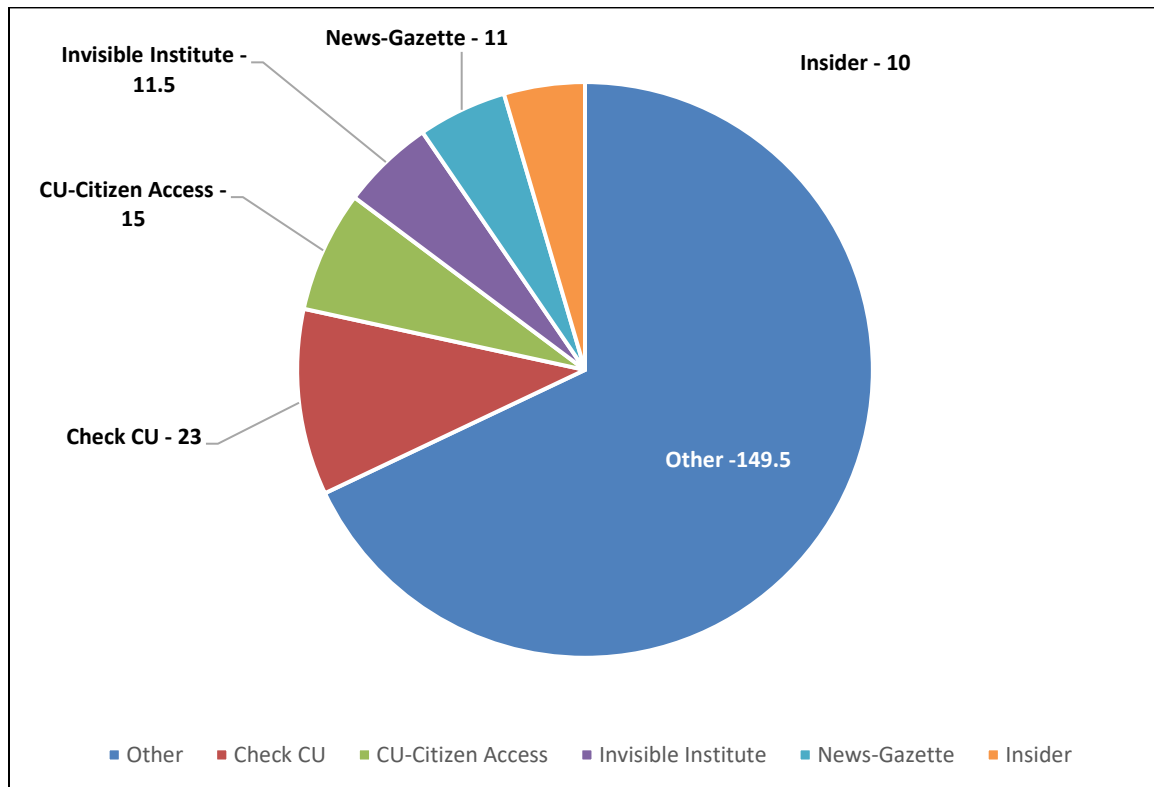
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2023 MEDIA REQUESTORS:

- 247Sports
- Associated Press
- Atlantic Media Company
- Better Government Association
- Bloomberg
- Boardroom.tv
- Bracketeer.org
- Buffalo News
- CBS News
- Check CU
- Chicago Sun-Times
- Chicago Tribune
- Chronicle of Higher Education
- College Gym News
- CollegeAD
- CU-CitizenAccess
- D1 Docket
- Daily Caller
- Daily Illini
- Daily Line
- Discount
- Edgar County Watchdogs
- Extra Points
- Farpoint Films
- FOX 32 Chicago
- Freelance / unknown
- IlliniGuys.com
- Illinois Public Media
- Independent Media Center
- Injustice Watch
- Inside Zone
- Insider
- Investigate Midwest
- InvestigateTV
- Invisible Institute
- Lansing State Journal
- Lee Enterprises
- Lincoln Journal Star
- MuckRock News
- New York Times
- News-Gazette
- NorthJersey.com
- On3.com
- Pantagraph
- Police Insider
- Politico
- ProPublica
- Raw Story
- SBGTV
- Shaw Media
- Smile Politely
- Sportico
- Sports Reporter
- St. Louis Post-Dispatch
- State News
- Sutherland Institute
- USA Today
- Wall Street Journal
- WBBM/CBS Chicago
- WBEZ
- WCIA
- Wisconsin State Journal
- Yahoo Sports



Requests by Media Outlet



63 total outlets.
Other includes outlets filing fewer than 10 requests.



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2023 HIGHLIGHTS and QUICK-FACTS

- Any requestor may submit a Request for Review of the System's response with the Office of the Attorney General's Public Access Counselor (PAC) pursuant to Section 9 of FOIA or file a lawsuit pursuant to Section 11 of FOIA. A Request for Review is not an indicator of any impropriety or improper handling of a request or responsive documents, but simply asks the PAC to review the public body's response to ensure good-faith application of FOIA. When these appeals occur, the University is afforded an opportunity to provide supporting argument and/or evidence for its response and defend its handling of a request.

Of the 1,665 requests submitted to the University in 2023, University responses were appealed to PAC 26 times. This represents less than two percent (2%) of U of I System responses in 2023, and a slight decrease from the number of 2022 appeals. Of those 26 appeals:

- Eight (8) are still pending.
- Six (6) received a determination of No Further Inquiry Warranted.
- Four (4) received a determination of Unfounded (meaning the requestor's complaint was unfounded based on the original request and response documents).
- One (1) received a determination of No Violation.
- Five (5) were withdrawn, resolved, or otherwise determined to be moot.
- One (1) received a determination directing the University to disclose the requested records after the requestor challenged the University's cited exemptions. Historically, each University would not provide anonymized numbers of enrollment, admissions, acceptances, etc., if the number was below a threshold determined by each campus to risk individual identification of a student. UIC and UIUC set that number at 20; UIS set that number at six. The University's response followed that practice, but upon challenge and argument, was informed that the PAC did not support that position. PAC stated that the likelihood of identification was too remote for exemptions based on FERPA and/or personal privacy considerations to legally apply. The University released the requested information following the PAC's determination.
- One (1) received a determination that the University did not meet its burden in showing why a request for nearly 50 vendor agreements was unduly burdensome. For a request to be denied as unduly burdensome, the burden on the public body in producing the requested record(s) must outweigh any public interest in the information. Despite arguing that responsive records numbered nearly 1,000 pages, all of which would need reviewed for any applicable exemption(s) under FOIA, and estimating that the process would take approximately 49 hours, the PAC found that the University did not show how the burden would outweigh the public interest. The University was eventually able to process the request and release the information as directed.



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- In 2023, the FOIA Office continued to update its website with the latest information, including select FOIA response letters dating back to 2015.
- The FOIA Office training presentations for the various colleges and departments within the U of I System. In calendar year 2023, the FOIA Office presented to:
 - UIC Senate Executive Committee
 - UIC Faculty Senate
 - Extension Office Leadership Team
 - AITS Management Group
 - UIUC Chief Communications Officers
 - Prairie Research Institute Leadership Team
 - Carle Illinois College of Medicine Executive Leadership Team
- As is our customary practice, Associate Director for FOIA Administration Matt Sullard and the FOIA coordinators completed the yearly FOIA training required by the Office of the Illinois Attorney General. FOIA staff also attended multiple webinars provided by PAC for the latest updates in FOIA applications.
- Throughout the year, FOIA staff met weekly (over Zoom) to discuss issues, processing policies, and new developments with the law. System FOIA staff also attended weekly External Relations & Communications meetings, and any staff working on UIUC requests met weekly with UIUC Public Affairs.
- System FOIA staff attended the Summer External Relations & Communications retreat in Chicago.