



# UNIVERSITY OF ILLINOIS SYSTEM

## OFFICE FOR UNIVERSITY RELATIONS Freedom of Information Act 2017 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 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 Associate Director Matt Rogina, a licensed attorney, coordinate this centralized processing, manage the distributed FOIA processing staff, and serve as liaison to requestors and to the Illinois Attorney General's Public Access Counselor. 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
- Yen Vi Green – Urbana and commercial requests
- Jill Weathers – Multi-campus 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 15, 2018



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### 2017 SUMMARY

- In calendar 2017, 822 requests were received. This volume is 56 requests more than the number of requests received in 2016.
- The FOIA requests for 2017 include information for:
  - Police reports
  - Bid information
  - Athletic contracts
  - E-mails
  - Disciplinary records
  - Grade distributions
  - Board of Trustees information
  - Course syllabi
  - Salary information
  - Settlement agreements
  - Student directory information
- Types of Requesters
  - News Media
  - Students and former students
  - Former employees
  - Vendors
  - Data research companies
  - Law firms
  - Other universities
  - Lexis Nexis
- Most commonly cited exemptions
  - Section 7(1)(a) - The Federal Education Rights and Privacy Act (FERPA). This includes student names.
  - 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)(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)(m) – attorney/client information. This includes legal advice by the Office of the University Counsel to University staff.
- Several 2017 requests were related to matters that were of significant media interest such as:
  - The disappearance of Chinese student Yingying Zhang and the arrest and charge of former graduate student Brendt Christensen



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- Sexual harassment statistics and misconduct cases
- Board of Trustees records that relate to the term of former Chairman and current gubernatorial candidate Christopher Kennedy.

The Office of University Relations saw requests from the following media organizations

- Associated Press
- Atlanta Journal Constitution
- BuzzFeed
- Cauldron
- Chicago Tribune
- Chicago Sun-Times
- Chronicle of Higher Education
- City Bureau
- Crain's
- CU Citizen Access
- Daily of Emerald (University of Oregon newspaper)
- Daily Illini
- ElevenWarriors.com
- ESPN
- Financial Times
- Illinois Times
- Illini Report
- Invisible Institute
- Journal Courier
- KGW (NBC Portland affiliate)
- The Lantern (Michigan State)
- Louisville Courier
- Minnesota Daily
- Newark Star Ledger
- New York Newsday
- The News Gazette
- Portland Business Journal
- Prairie State Wire
- Pro Publica
- Reuters
- State Journal-Register
- St. Louis Post Dispatch
- USA Today
- Vox
- Washington Examiner
- WAND (NBC Decatur affiliate)



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- WBBM (CBS Chicago affiliate)
  - WCIA (CBS Champaign affiliate)
  - WDWS
  - WMAQ (NBC Chicago affiliate)
  - The Wall Street Journal
  - Wisconsin State Journal
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- The trend of submitting requests as part of advocacy, whether it be personal or organizational, continued this year. One individual submitted 19 requests and another submitted 11. Likewise, 41 requests were submitted by students and 45 by employees or former employees. Companies continue to use FOIA as a means to gather commercial information. Of the 159 commercial FOIA requests received last year, 19 were filed by sports information companies and at least 50 requests were submitted by commercial vendors seeking procurement and bidding information.
  - In calendar 2017, the University's FOIA website was viewed more than 16,630 times. The homepage of the FOIA website was accessed more than 5,860 times, the log page was viewed 3,673 times and the available records page was viewed over 1,667 times. These are the pages that most directly promote University transparency. See Appendix B for details.
  - Any requestor may file with the Office of the Attorney General's Public Access Counselor (PAC) a request for review of the University's response. 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 19 times in 2017.
  - Presentations regarding FOIA and departmental responsibilities were given to the following five groups:
    - Beckman Institute for Advanced Science and Technology
    - Chief Communication Officers
    - College of Liberal Arts and Sciences
    - College of Agricultural, Consumer and Environmental Sciences
    - Office of Accounting and Financial Reporting
  - As is our customary practice, Executive Director Tom Hardy, Associate Director Kirsten Ruby, Associate FOIA Director Matt Rogina, and FOIA Coordinators took the yearly FOIA training required by the Illinois Attorney General's Office.
  - Throughout the year, the FOIA processing staff met weekly to discuss issues, processing policies, and new developments with the law. In 2018, the Office of University Relations is planning a March retreat in Urbana to discuss future goals.