Reported to the Board of Trustees

March 17, 2022

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 from 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 complying with FOIA. Presently, the Office for University Relations (OUR) processes FOIA requests made to all three universities and System Offices. Interim Director of External Relations and Communications Kirsten Ruby and Interim Assistant Director Jill Weathers 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. Jill Weathers works with a team of communications and administrative staff throughout the system, including each university’s respective Public Affairs office, to ensure proper and timely sharing of information.

Former Assistant Director Matt Rogina recently left the U of I System in January of 2022.

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

Kirsten Ruby is the signatory of response letters as chief records officer for the system.

**2021 Summary**

* In calendar year 2021, the U of I System received 1,143 requests. This represents 113 more requests than in 2020. Requests received totaled more than 100 in six separate months with another month reaching 97 total requests.
* The FOIA requests for 2021 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.
	+ 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.
	+ Sectin 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 2021 requests were related to matters that were of significant media interest, such as:
	+ NCAA Financial Reports
	+ Athletic contracts
	+ Title IX investigations
	+ SHIELD Illinois and Shield T3 information and communications
* In 2021, the U of I System received roughly 60 requests related to the COVID-19 pandemic. Those requests were for:
	+ COVID-19 student discipline
	+ SHIELD meeting minutes
	+ Emails of UIUC reserachers Sergei Maslov and Nigel Goldenfeld
	+ Emails of UIUC Chancellor Jones and UIUC Provost Cangellaris
	+ Emails related to the postponement of the football season
	+ Emails between the Office of the University President and the Office of the Governor
	+ Winnebago inmate and officer testing data
	+ COVID complaints
	+ CARES Act spending information
	+ SHIELD contracts
	+ Shield T3 with Claremont College
	+ Vaccination and testing data

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

* + ABC Chicago
	+ APM Reports
	+ Associated Press
	+ The Athletic
	+ The Atlantic
	+ Better Government Association
	+ Bloomberg News
	+ Campus Reform
	+ Check CU
	+ Chicago Tribune
	+ Chronicle of Higher Education
	+ C-U Citizen Access
	+ D-1 Docket
	+ Daily Illini
	+ Dallas Morning News
	+ Defector Media
	+ The Depaulia
	+ Detroit Free Press
	+ Edgar County Watchdogs
	+ ESPN
	+ Forbes
	+ Fort Worth Star Telegram
	+ Fox Illinois
	+ Illini Nation
	+ Illini Now
	+ Illinois Times
	+ Indiana Daily Student
	+ The Intercollegiate
	+ Invisible Institute
	+ Lansing State Journal
	+ The Lantern
	+ Midwest Center for Investigative Reporting
	+ Milwaukkee Journal Sentinel
	+ Muck Rock News
	+ Naperville Central Times
	+ NCAA.com
	+ New York Post
	+ The News-Gazette
	+ Northern Public Radio
	+ Patch
	+ Pro Publica
	+ The Southern
	+ Sportico
	+ Springfield Leaks
	+ St. Louis Post-Dispatch
	+ Telsudo Times
	+ USA Today
	+ Wall Street Journal
	+ WAND (NBC Decatur affiliate)
	+ WBBM (Chicago news affiliate)
	+ WBEZ (Chicago NPR affiliate)
	+ WCIA (CBS Champaign affiliate)
	+ WICS (ABC Springfield affiliate)
	+ WILL (University NPR affiliate)
	+ WKTB (Wisconsin affiliate)
* The System received 239 media requests in 2021. The Wall Street Journal submitted 29 requests, most concerning the implementation of SHIELD Illinois, while NCAA.com submitted 26 requests, most concerning records from the Division of Intercollegiate Athletics.
* Of the 247 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 2021, the system’s FOIA website had 4,859 pageviews from 1,125 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 nine times in 2021, down from 16 in 2020. This represents less than 1 percent of U of I System responses in 2021. The PAC issued six determination letters, four of which were fully decided in the system’s favor. The remaining 2021 appeals are pending, were informally resolved, withdrawn or were determined to be unfounded.
* The PAC issued a favorable determination finding that the System properly redacted private, personal and confidential witness information in a police report that is exempt under sections 7(1)(b), 7(1)(c) and 7(1)(d)(iv).
* The PAC issued a favorable determination finding that the System properly asserted that a request for emails related to the 2020 UI Health staff strike was burdensome.
* The PAC issued a favorable determination finding that the System conducted a proper search of budget and email records responsive to a July request submitted by a former UIS faculty member.
* The PAC issued a favorable determination finding that the System conducted a proper search of employment records responsive to a September request submitted by a former UIS faculty member.
* OUR conducts FOIA presentations for the various colleges and departments within the U of I System, and is presently working with System Human Resources and the three Public Affairs offices on a recorded webinar to potentially be implemented as training for new hires.
* As is our customary practice, Interim Director of External Relations and Communications Kirsten Ruby, Interim Assistant Director Jill Weathers, and the FOIA coordinators completed the yearly FOIA training required by the Office of the Illinois Attorney General.
* Throughout the year, FOIA 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 some time in 2022. The FOIA staff also intend 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 U of I System.
* In 2021, the Office of University Relations continued to update its website with the latest information, including 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 for 2023 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 2022, 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 signficiance.

Appendix A

**Received in Calendar 2021**

|  |  |  |  |
| --- | --- | --- | --- |
| **Month** | **Received** | **Closed** | **Pages Provided** |
| January | 84 | 51 | 3,579 |
| February | 76 | 67 | 3,608 |
| March | 111 | 95 | 12,571 |
| April | 97 | 102 | 13,717 |
| May | 101 | 75 | 11,557 |
| June | 107 | 89 | 13,435 |
| July | 142 | 121 | 15,070 |
| August | 76 | 87 | 20,437 |
| September | 78 | 69 | 5,202 |
| October | 101 | 89 | 10,846 |
| November | 116 | 98 | 5,527 |
| December | 54 | 53 | 2,054 |
|  |  |  |  |
| Total | 1,143 | 996 | 117,603 |
|  |  |  |  |
| Average | 95.25 | 83.00 | 9,800.25 |

\* 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.

**Open and Closed in Calendar 2021**

**Type of Request Received**

|  |  |  |  |
| --- | --- | --- | --- |
| **Month** | **Media** | **Commercial** | **All Else** |
| January | 26 | 15 | 43 |
| February | 17 | 26 | 33 |
| March | 18 | 19 | 74 |
| April | 24 | 10 | 63 |
| May | 31 | 22 | 48 |
| June | 19 | 22 | 66 |
| July | 22 | 37 | 83 |
| August | 13 | 19 | 44 |
| September | 8 | 16 | 54 |
| October | 19 | 19 | 63 |
| November | 25 | 29 | 62 |
| December | 10 | 13 | 31 |
|  |  |  |  |
| Total | 232 | 247 | 664 |
|  |  |  |  |
| Average | 19.33 | 20.58 | 55.33 |

**Campus of Interest Statistics**

|  |  |  |  |
| --- | --- | --- | --- |
| **Campus** | **Number of Requests** | **Percentage of Requests** | **Pages Provided** |
| Urbana | 705 | 61.68% | 61,001 |
| Chicago | 249 | 21.78% | 24,167 |
| Springfield | 89 | 7.79% | 12,708 |
| System | 70 | 6.12% | 11,289 |
| Multiple universities | 30 | 2.62% | 8,438 |

**Requests by Campus**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|   | **Total** | **Urbana** | **Chicago** | **Springfield** | **System** | **Multi** |
| Number of Media | 232 | 188 | 20 | 4 | 13 | 7 |
| Number of Commercial | 247 | 82 | 97 | 19 | 38 | 11 |
| Number of Private/Other | 664 | 435 | 132 | 66 | 19 | 12 |
| Total | 1,143 | 705 | 249 | 89 | 70 | 30 |
|   |  |  |  |  |  |  |
| Percent of Media requests by campus |  | 81.03% | 8.62% | 1.72% | 5.60% | 3.02% |
| Percent of Commercial requests by campus |  | 33.20% | 39.27% | 7.69% | 15.38% | 4.45% |
| Percent of Private/Other requests by campus |  | 65.51% | 19.88% | 9.94% | 2.86% | 1.81% |

|  |  |
| --- | --- |
| Overall percent of Media requests | 20.30% |
| Overall percent of Commercial requests | 21.61% |
| Overall percent of Private/Other requests | 58.09% |

**Percentage of Requests by Requester Type**

**Requests by Media Outlet**

66 total outlets.
*Other* includes outlets filing fewer than 9 requests.