

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

May 23, 2013

Dennis Toeppen

Re: FOIA #13-254

Dear Mr. Toeppen:

I am responding to your request dated May 9, 2013, and received in my office by US postal mail on May 10, 2013, under the Illinois Freedom of Information Act in which you request:

“1) Any and all communications to which Joel Stenfeldt of Office of Public Affairs is a party which mention, relate, or pertain to to [sic] Suburban Express, Matthew Finnicum, Murph Finnicum, or Jeremy Leval, for the period 1/1/2013 to present.

2) Any and all communications to which any employee of the Office of Public Affairs is a party which mention, relate, or pertain to to [sic] Suburban Express, Matthew Finnicum, Murph Finnicum, or Jeremy Leval, for the period 1/1/2013 to present.

3) A list of all UIUC employees who act in the capacity of academic adviser and work in Loomis.”

Information responsive to your request is available and attached. These are public documents numbering 6 pages.

Information regarding academic advisors who work in the Loomis Laboratory building is available online. The responsive portion of the web page is being provided to you. The website in its entirety may be viewed at <http://www.las.illinois.edu/students/advising/declared/>.

Portions of the documents have been redacted or withheld in their entirety pursuant to the following section(s) of the Act:

- Section 140/ 7(1)(a) of the Act exempts from disclosure “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law.” The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) protects the privacy of student education records and prohibits the release of any information from a student’s education record without the consent of the eligible student. In this case, some documents responsive to your request are considered student records under FERPA and there was no way for the University to successfully de-identify these records. Therefore, the University is prohibited from releasing the records responsive to your request. In addition, some documents also contain information discussed with an attorney that is required to

Office for University Relations

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remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct.

- 140/7(1)(b) that exempts from disclosure “Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.” This includes personal email addresses.
- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes information related to students.
- 140/7(1)(f) that exempts from disclosure “Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record of relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” This includes documents containing opinions, recommendations or the formulation of an action or policy.
- 140/7(1)(m) that exempts from disclosure “Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body...” In this case, certain responsive documents contain information covered under the attorney client privilege and/or the work product doctrine that would not be subject to discovery.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer