

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

November 21, 2013

Dennis Toeppen

[REDACTED]
[REDACTED]
[REDACTED]

Re: FOIA #13-536

Dear Mr. Toeppen:

I write to respond to your Freedom of Information request of November 7, 2013, and received in my office on that date, in which you requested:

- “1) Any and all communications between UIUC employee Joel Steinfeldt and Arne Klempert or anyone at the PR firm FleishmanHillard for the period 4/1/13 to present.
- 2) Any and all communications to which Joel Steinfeldt is a party which relate to or mention Suburban Express, any employee of Suburban Express, for the period 4/1/13 to present.
- 3) Any and all communications to which the anyone related to Office of Public affairs is a party, which relates to or mentions Suburban Express or any employee of Suburban Express for the period 4/1/13 tp[sic] present.
- 4) Any and all communications to which any employee of the office of the dean of students is a party, which relates to or mentions Suburban Express or any employee of Suburban Express for the period 4/1/13 tp[sic] present.
- 5) All communications generated in the course of responding to this FOIA request.”

Information responsive to your request is available and attached. These are public documents numbering 269 pages.

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

Office for University Relations

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addition, some documents also contain information discussed with an attorney that is required to 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, phone numbers, and university identification numbers.
- 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 including names and identifying information; names of private citizens, personal email addresses and phone numbers, and health information.
- 140/7(1)(d)(iv) that exempts records that would “unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies.” In this case, students, members of the public, and others write in confidence providing or discussing information which, if disclosed, could lead to a risk to their health and safety.
- 140/7(1)(d)(vi) of the Act, which exempts from disclosure information that, if released, would “endanger the life or physical safety of law enforcement personnel or any other person.” This includes any information that would endanger life or physical safety if released, including the names, contact information, and titles of students, employees, and private citizens.
- 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, as well as drafts of documents.
- 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. Additionally, release of these records by the University may constitute a waiver of privilege that the University does not have the right to waive. Also, some documents also contain information discussed with an attorney that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct.

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