Freedom of Information Act Requests
As a state institution, the University of Illinois is subject to the Illinois Freedom of Information Act (FOIA). The act provides public access to “full and complete information regarding the affairs of government and the official acts and policies of those who represent them.” As we conduct university business, it is important to remember that correspondence, including email, files, documentation, voicemail messages, etc., can be requested by anyone with an interest in the information. Note that while requesters don’t need a specific reason for requesting the information, they do need to be fairly specific in their requests for documentation.

A few important points about FOIA:
- University Relations is the single point of intake for FOIA requests; if you receive a request, please forward it immediately to: foia@uillinois.edu. In most cases, University Relations collaborates with Urbana Public Affairs and University Legal Counsel, if needed, when responding to FOIA requests.
- The university has five working days (plus a five-day extension) to respond to non-commercial requests and 21 working days to respond to commercial requests.
- If you deal with donors or third parties during the course of university business, it is a good idea to remind them of the potential of public disclosure of related correspondence.

Types of records that can be “FOIA’d” include:
- Emails, memos, etc.
- Budget files and financial records
- Building files
- Inventories
- Salary records
- Committee records
- Conference, symposium, institute, and seminar files
- PR and publication files
- Voicemails and Lync conversations
- Photos
- Calendar records, including meeting locations and associated files
- All other records, reports, forms, writings, letters, books, papers, maps, photographs, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and other materials pertaining to the transaction of public business.

Some specific items of interest to the research community:
Personnel records: There are some documents in a personnel file that can be withheld from production, namely, in most cases, personnel evaluations and letters of reference. The university can also redact personal information from personnel records, such as beneficiary information, emergency contacts, direct deposit information, etc. The employment applications for unselected candidates can be withheld. However, applications of selected candidates are not exempt under FOIA and would be produced (although the university can redact personal information, such as addresses and telephone
numbers, from the record). Other records in a personnel file are evaluated on a case-by-case basis.

Grant proposals: There is an exemption available for grant proposals, however, it only extends until a final award is made. This exemption allows the university to withhold “proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made.” There is also an exemption that allows the university to withhold certain trade secret or confidential information, but again, the university would evaluate those documents on a case-by-case basis to determine whether that exemption applied.

Correspondence with legal counsel: While we can withhold correspondence that falls under the attorney-client privilege, not all correspondence with legal counsel falls under that category. The privilege only applies to communications between an attorney and a client made in confidence for the purpose of seeking or providing legal assistance for the client. So, for example, non-legal business advice is not privileged. Likewise, communications that are not made in confidence are not privileged. There is generally a significant gray area that needs discussion prior to a decision about whether a specific document is protected by the privilege.

Draft documents: If a document is a draft, clearly mark it as such. FOIA generally exempts draft documents, though the presumption is that there will ultimately be a final document.

Personal emails and devices: If you are conducting university business through a personal email account (e.g., gmail, hotmail, yahoo) or personal device (smart phone, tablet, home computer), then the university-related communications are subject to FOIA, regardless of whether they are generated on private equipment or in personal accounts.

Links and additional information: For the most up-to-date information about FOIA and the university’s processes for managing it, visit: https://www.uillinois.edu/foia.

The university keeps a log of responses to FOIA requests at: https://www.uillinois.edu/foia/f_o_i_a_log/


Questions? Contact Kathy McCarthy in University Relations:
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