

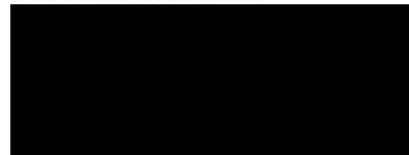


OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

October 2, 2025

*Via electronic mail*



*Via electronic mail*

Ms. Adrienne Nazon  
Vice President and Chief Records Officer  
University of Illinois  
506 South Wright Street, MC-370  
Urbana, Illinois 61801  
FOIA-OUR@mx.uillinois.edu

RE: FOIA Request for Review – 2025 PAC 85864

Dear [REDACTED] and Ms. Nazon:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2024)). For the reasons stated below, the Public Access Bureau concludes that the University of Illinois (University) did not improperly deny [REDACTED] March 18, 2025, FOIA request.

On that date, [REDACTED] submitted a FOIA request to the University seeking a recording of a specified February 24, 2025, virtual lecture. On March 20, 2025, the University denied the request in its entirety pursuant to section 7(1)(j)(iv) of FOIA.<sup>1</sup> On that same date, [REDACTED] submitted the above-referenced Request for Review contesting the University's response.

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<sup>1</sup>5 ILCS 140/7(1)(j)(iv) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024; 103-865, effective January 1, 2025.

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On April 1, 2025, this office forwarded a copy of the Request for Review to the University and asked it to provide a copy of the contested record for this office's confidential review, together with a detailed explanation of the factual and legal bases for the applicability of the asserted exemption. On April 10, 2025, this office received the University's response, including both a complete copy of its written response and a redacted copy for forwarding to ██████████. On April 17, 2025, this office forwarded the redacted copy to ██████████. ██████████ he replied on April 28, 2025.

### DETERMINATION

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2024); *see also Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). A public body that withholds records "has the burden of proving by clear and convincing evidence" that the records are exempt from disclosure. 5 ILCS 140/1.2 (West 2024). The exemptions from disclosure are to be narrowly construed. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

Section 7(1)(j)(iv) of FOIA exempts from disclosure "course materials or research materials used by faculty members" in connection with "educational matters." FOIA does not define "course materials." However, this office has previously determined that the plain meaning of the term "course materials" encompasses materials prepared for use in teaching such as curricula, lesson plans, lectures, and slides that are used in an educational setting. *See Ill. Att'y Gen. PAC Req. Rev. Ltr. 78019*, issued January 5, 2024, at 3-4. Furthermore, "course materials" can include records prepared by a third party outside of the public body that received the FOIA request. *See, e.g., Ill. Att'y Gen. PAC Req. Rev. Ltr. 78019*, issued January 5, 2024, at 2.

In its redacted response to this office, the University stated that the lecture included on the recording was presented by a professor for the UP-580 course and a visiting professor at Columbia University. The University explained that, although the lecture was open to additional students in Urban Planning, attendance for students of UP-580 was required. In the confidential version of its response, the University explained in further detail how the lecture was part of the course curriculum. In his reply, ██████████ argued that the lecture was not exempt under section 7(1)(j)(iv) because it was widely advertised for student attendance, was public-facing, was sponsored by additional campus organizations, and was independent of any courses and thus could not "be fairly classified as internal course material."<sup>2</sup>

The University has explained that the lecture was connected to the UP-580 course, and that attendance was mandatory, rather than optional, for students in that class unless

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<sup>2</sup>Letter from ██████████ to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau] (April 28, 2025), at [2].

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they had an excused absence. Although other students who were interested in the topic were allowed to listen in on the lecture, it was nonetheless presented as part of the UP-580 curriculum and prepared by professors for use in teaching Urban Planning students. Nothing in section 7(1)(j)(iv) limits the application of that exemption to "internal course materials" that are not shared beyond a specific course. Rather, the exemption applies to materials, such as a lecture or recording of a lecture, prepared for use in teaching. Because the lecture comprises materials used in teaching university courses, the University did not improperly deny [REDACTED] [REDACTED] March 18, 2025, FOIA request pursuant to section 7(1)(j)(iv) of FOIA.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. If you have any questions, please contact me at [benjamin.silver@ilag.gov](mailto:benjamin.silver@ilag.gov) or (773) 590-7878.

Very truly yours,

[REDACTED]  
BENJAMIN J. SILVER  
Supervising Attorney  
Public Access Bureau

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