



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 25, 2015

Via electronic mail

Ms. Barbara Mitchell
FOIA Officer
College of DuPage
425 Fawell Blvd.
Glen Ellyn, Illinois 60137
mitchell@cod.edu

RE: FOIA Request for Review – 2015 PAC 38669

Dear Ms. Mitchell:

The Public Access Bureau has received the enclosed Request for Review of the College of DuPage (College) response to a Freedom of Information Act (FOIA) request submitted by Mr. Kirk Allen. We have determined that further action is warranted.

On November 6, 2015, Mr. Allen submitted the enclosed FOIA request to the College, which included a request for a "[c]opy of the Internal Audit regarding Herring Graphics most recent contract found to have been in violation of the timeline requirements."¹ On November 13, 2015, the College denied that part of the request under section 7(1)(m) of FOIA (5 ILCS 140/7(1)(m) (West 2014), as amended by Public Act 99-298, effective August 6, 2015). In his Request for Review, Mr. Allen alleges that the College provided the internal audit to the Higher Learning Commission (HLC), which improperly granted an exclusive right to access the public record.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2014)), please furnish this office with a copy of the withheld responsive record for our confidential review, as well as a detailed explanation of the factual and legal bases for the assertion of section 7(1)(m) of FOIA. **Please address Mr. Allen's contention that the College granted an exclusive right to the record at issue. Please also address whether the disclosure to HLC waived any privilege or protection afforded to the audit report.** If you believe that other documents or

¹E-mail from Kirk Allen to Barbara Mitchell, College of DuPage (November 6, 2015).

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information would help us as we review these issues, you may submit additional records or affidavits with the requested information.

This information must be submitted to our office within seven (7) business days after receipt of this letter. Under FOIA, "[t]he Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]" 5 ILCS 140/9.5(d) (West 2014). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

Please contact me at nolson@atg.state.il.us or (217) 782-9078 if you have questions or would like to discuss this matter. Thank you in advance for your cooperation.

Very truly yours,



NEIL P. OLSON
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Mr. Kirk Allen (will receive letter only)
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Kirk@illinoisleaks.com