



CHICAGO STATE UNIVERSITY

July 28, 2026

Re: Use of Personal Devices and Illinois FOIA - What University Employees Need to Know

Dear Colleagues,

As employees of a public university, we are committed to conducting Chicago State University (“CSU” or “the University”) business in a transparent and accountable manner. One area that can create confusion is the use of personal devices and personal accounts for university-related communications.

This message is intended to provide guidance on how the Illinois Freedom of Information Act (FOIA) may affect records stored on personal devices and to outline best practices for protecting both university records and personal information.

Under Illinois law¹, records relating to the transaction of public business may be considered public records regardless of where they are created, stored, or maintained. *This means that emails, text messages, instant messages, documents, photographs, or other communications concerning CSU business may be subject to disclosure under FOIA even if they reside on a personal cell phone, personal computer, tablet, or personal email account.*

A record’s status under FOIA depends primarily on its content and purpose—not the device or account used to create or store it. Consequently, communications about CSU business conducted through personal devices or accounts may need to be searched, preserved, reviewed, and potentially produced in response to a lawful FOIA request, litigation hold, audit, or other legal obligation.

Using personal devices or accounts for CSU business can create several challenges. To help protect yourself and the University, please follow these recommendations:

Frequently Asked Questions

1. Does FOIA allow the public to access my entire personal phone or computer?

No. A FOIA request does not automatically give the public unrestricted access to your personal device. However, university-related records stored on that device may need to be identified, collected, reviewed, and preserved if they are responsive to a FOIA request or other legal obligation. Personal information unrelated to university business is generally not subject to disclosure simply because it resides on the same device.

¹ See *Better Government Ass’n v. City of Chicago*, 2020 IL App (1st) 190038.



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2. Are text messages about university business considered public records?

Potentially, yes. If a text message relates to the transaction of university business, it may be considered a public record regardless of whether it was sent from a university-issued or personal device.

3. What about communications through Microsoft Teams, Slack, WhatsApp, Signal, or other messaging applications?

The platform does not determine whether a record is subject to FOIA. If the communication concerns university business, it may constitute a public record regardless of the application used.

4. If I use my personal email account to communicate about university business, can those emails be subject to FOIA?

Yes. A business-related communication may be subject to FOIA even when sent or received through a personal email account.

5. Can I delete university-related text messages or emails from my personal device?

Not if those communications are subject to a records retention requirement, litigation hold, audit, investigation, or pending FOIA request. Deleting records that should be preserved may create legal and compliance concerns.

6. What if I accidentally use my personal email account or phone for university business?

Occasional inadvertent use does not necessarily create a problem, but you should preserve the communication and, when appropriate, forward it to your university account so it can be retained in accordance with university procedures.

7. Does every university-related communication become public?

No. FOIA contains numerous exemptions that may protect certain categories of information from disclosure. Whether a record must be disclosed depends on the applicable law and the specific contents of the record.



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8. Will the university review my personal photos, social media messages, or unrelated personal information?

The university's focus is identifying records that are responsive to a legal request or obligation. Personal information unrelated to university business generally is not the target of those searches and is typically not subject to disclosure under FOIA.

9. What happens if I receive a request directly from a member of the public for records?

Do not respond on behalf of the university. Forward the request promptly to the University's FOIA Officer or other designated office for handling.

10. If I discuss university business with a colleague by text message, should I assume it might someday be reviewed?

Yes. Employees should assume that communications relating to university business could later be subject to review during a FOIA request, investigation, audit, records retention review, or litigation.

11. Does using a personal device make a record exempt from FOIA?

No. The use of a personal device generally does not determine whether a record is subject to FOIA. The nature and content of the communication are what matter.

12. What should I do if I am notified of a FOIA search or litigation hold?

Forward the FOIA request and/or litigation hold to the Office of Legal Affairs. Preserve potentially responsive records and do not delete, alter, or destroy relevant communications until notified otherwise.



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While FOIA does not automatically give the public unrestricted access to your personal device, university-related records on a personal device may need to be identified, collected, and reviewed to determine whether they are responsive to a FOIA request or other legal obligation.

Questions?

If you have questions about FOIA, records retention, litigation holds, or the appropriate use of personal devices for CSU business, we are happy to provide guidance before issues arise. Please contact the Office of Legal Affairs at foia@csu.edu.

Respectfully,

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