



U.S. Department of Justice

Office of Information Policy

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December 2015

**Statutes Found to Qualify under Exemption 3 of the FOIA**

Exemption 3 of the Freedom of Information Act incorporates certain nondisclosure provisions contained in federal statutes other than the FOIA. To assist agencies in properly processing FOIA requests and in preparing their Annual FOIA Reports, the Office of Information Policy has compiled a list of statutes currently in effect that courts have found to qualify as Exemption 3 statutes. This chart does not include statutes which have been found not to qualify under Exemption 3, nor does it include any statute which has not yet been considered by a court as a possible Exemption 3 statute. In addition, on occasion a statutory provision has been found to qualify under Exemption 3 by one court and found not to qualify by another. Those statutes are marked with asterisks.

| <b>Statute/Rule</b>   | <b>Type of Information Withheld</b>   | <b>Case Citation</b>   |
|---|---|--|
| 2 U.S.C. § 437g(a)(12)(A)*<br>(Federal Election Campaign Act) | Any notification or investigation made under this section of the Federal Election Campaign Act pertaining to federal campaign funds   | <u>Citizens for Responsibility and Ethics in Washington v. FEC</u> , No. 04-1672, slip op. at 5 (D.D.C. May 16, 2005).   |
| 5 U.S.C. §§ 7114(b)(4), 7132<br>(Civil Service Reform Act)    | Defining agencies' and representatives' duty to negotiate in good faith to include disclosure of certain labor relations training and guidance materials and limiting the issuance of certain subpoenas | <u>Dubin v. Dep't of Treasury</u> , 555 F. Supp. 408, 412 (N.D. Ga. 1981) (5 U.S.C. § 7114(b)(4)), <u>aff'd</u> , 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision); <u>NTEU v. OPM</u> , No. 76-695, slip op. at 3-4 (D.D.C. July 9, 1979) (5 U.S.C. § 7114(b)(4) and 5 U.S.C. § 7132). |

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| 5 U.S.C. app. § 107(a)<br>(Ethics in Government Act of 1978)               | Financial disclosure information pertaining to certain government employees  | <u>Meyerhoff v. EPA</u> , 958 F.2d 1498, 1500-02 (9th Cir. 1992); <u>Seife v. NIH</u> , 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012); <u>Concepcion v. FBI</u> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009), <u>renewed motion for summary judgment granted in part on other grounds</u> , 699 F. Supp. 2d 106 (D.D.C. 2010); <u>Glascoc v. DOJ</u> , No. 04-0486, 2005 WL 1139269, at *1 (D.D.C. May 15, 2005). |
| 7 U.S.C. § 12<br>(Commodity Exchange Act)                                  | "[D]ata and information that would separately disclose the business transactions of any person" and trade secrets or names of customers gathered in the course of the Commission's investigations under the Commodity Exchange Act | <u>Hunt v. Commodity Futures Trading Comm'n</u> , 484 F. Supp. 47, 49 (D.D.C. 1979).   |
| 7 U.S.C. § 136i-1<br>(Federal Insecticide, Fungicide, and Rodenticide Act) | Data "that would directly or indirectly reveal the identity of individual producers [of certain pesticides]"   | <u>Doe v. Veneman</u> , 380 F.3d 807, 818 (5th Cir. 2004).   |
| 7 U.S.C. § 2018(c)   | Information obtained pursuant to chapter 51 of title 7 of the United States Code, which concerns the handling of information submitted by applicants to the Supplemental Nutrition Assistance Program                              | <u>Argus Leader Media v. USDA</u> , 740 F.3d 1172, 1175-76 (8th Cir. 2014).  |

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| 7 U.S.C. § 2276(a)(2)<br>(Food Security Act of 1985)    | "[I]nformation furnished under a provision of law referred to in subsection (d) of this section . . . unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information"                             | <u>Strunk v. U.S. Dept. of Interior</u> , 752 F. Supp. 2d 39, 44 (D.D.C. 2010).   |
| 7 U.S.C. § 8791   | "[I]nformation provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department" and certain "geospatial information . . . maintained by the Secretary" | <u>Ctr. for Biological Diversity v. USDA</u> , 626 F.3d 1113, 1118 (9th Cir. 2010); <u>Zanoni v. USDA</u> , 605 F. Supp. 2d 230, 237-38 (D.D.C. 2009).  |
| 8 U.S.C. § 1202(f)<br>(Immigration and Nationality Act) | Certain records pertaining to the issuance or refusal of visas to enter the United States   | <u>Medina-Hincapie v. Dep't of State</u> , 700 F.2d 737, 741-42 (D.C. Cir. 1983); <u>DeLaurentiis v. Haig</u> , 686 F.2d 192, 194 (3d Cir. 1982); <u>Assadi v. Dep't of State</u> , No. 12-1111, 2014 WL 4704840, at *6 (S.D.N.Y. Sept. 19, 2014); <u>Beltranena v. U.S. Dep't of State</u> , 821 F. Supp. 2d 167, 177-78 (D.D.C. 2011); <u>Badalamenti v. U.S. Dep't of State</u> , 899 F. Supp. 542, 547 (D. Kan. 1995); <u>Jan-Xin Zang v. FBI</u> , 756 F. Supp. 705, 711-12 (W.D.N.Y. 1991); <u>Smith v. DOJ</u> , No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983). |

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| 10 U.S.C. § 130  | Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"  | <u>Newport Aeronautical Sales v. Dep't of the Air Force</u> , 684 F.3d 160, 165 (D.C. Cir. 2012); <u>Chenkin v. Dep't of the Army</u> , No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), <u>aff'd</u> , 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).                               |
| 10 U.S.C. § 130b | Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS   | <u>Hall v. CIA</u> , No. 04-00814, 2012 WL 3143839, at * 16 (D.D.C. Aug. 3, 2012); <u>Hiken v. DOD</u> , 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); <u>O'Keefe v. DOD</u> , 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); <u>Windel v. United States</u> , No. A02-306, 2005 WL 846206, at *2 (D. Alaska Apr. 11, 2005). |
| 10 U.S.C. § 130c | Certain "sensitive information of foreign governments" and certain international organizations  | <u>Nat'l Inst. of Military Justice v. DOD</u> , 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), <u>aff'd on other grounds</u> , 512 F.3d 677 (D.C. Cir. 2008); <u>ACLU v. DOD</u> , 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); <u>Gerstein v. DOD</u> , No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).                 |
| 10 U.S.C. § 424  | Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency | <u>Physicians for Human Rights v. DOD</u> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <u>Miller v. DOJ</u> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <u>Wickwire Gavin, P.C. v. Def. Intelligence Agency</u> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).   |

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| 10 U.S.C. § 1102<br>(National Defense Authorization Act for Fiscal Year 1987) | Medical quality assurance records  | <u>Goodrich v. Dep't of the Air Force</u> , 404 F. Supp. 2d 48, 50-51 (D.D.C. 2005); <u>Dayton Newspapers, Inc. v. Dep't of the Air Force</u> , 107 F. Supp. 2d 912, 917 (S.D. Ohio 1999).  |
| 10 U.S.C. § 2305(g)   | Certain contractor proposals   | <u>Roman v. NSA</u> , Nos. 09-2947, 09-4281, 09-3344, 09-2504, 09-5633, 2012 WL 569747, at *7 (E.D.N.Y. Feb. 22, 2012); <u>Margolin v. NASA</u> , No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011).  |
| 13 U.S.C. §§ 8(b), 9(a)<br>(Census Act)                                       | Certain census data  | <u>Baldrige v. Shapiro</u> , 455 U.S. 345, 355 (1982).  |
| 13 U.S.C. § 301(g)<br>(Collection and Publication of Foreign Commerce Act)    | Shippers' export declarations or successor documents   | <u>Afr. Fund v. Mosbacher</u> , No. 92 Civ. 289, 1993 WL 183736, at *5 (S.D.N.Y. May 26, 1993); <u>Young Conservative Found., Inc. v. U.S. Dep't of Commerce</u> , No. 85-3982, 1987 WL 9244, at *2-3 (D.D.C. Mar. 25, 1987).   |
| 15 U.S.C. §§ 46(f), 57b-2<br>(Federal Trade Commission Act)                   | "[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential" and certain investigative materials received by the FTC and "provided pursuant to any compulsory process under this subchapter or which is provided voluntarily in place of such compulsory process" | <u>A. Michael's Piano, Inc. v. FTC</u> , 18 F.3d 138, 143-44 (2d Cir. 1994) (15 U.S.C. § 57b-2); <u>Ayuda, Inc. v. FTC</u> , No. 13-1266, 2014 WL 4829574, at *19-20 (D.D.C. Sept. 30, 2014) (15 U.S.C. § 57b-2); <u>Carter, Fullerton &amp; Hayes, LLC v. FTC</u> , 637 F. Supp. 2d 1, 9 (D.D.C. 2009) (15 U.S.C. § 57b-2); <u>National Educ. Ass'n v. FTC</u> , No. 79-959-S, 1983 WL 1883, at *1 (D. Mass. Sept. 26, 1983) (15 U.S.C. § 57b-2); <u>Doherty v. FTC</u> , No. 80-0513, 1981 WL 2094, at *3 (D.D.C. June 24, 1981) (15 U.S.C. § 46(f)). |

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| 15 U.S.C. § 1314(g)<br>(Antitrust Civil Process Act)                             | "Any documentary material, answers to written interrogatories, or transcripts of oral testimony" provided pursuant to certain civil investigative demands pertaining to antitrust investigations     | <u>Motion Picture Ass'n of Am. v. DOJ</u> , No. 80 Civ. 6612, slip op. at 1 (S.D.N.Y. Oct. 6, 1981).   |
| 15 U.S.C. §§ 2055(a)(2), 2055(b)(1), 2055(b)(5)<br>(Consumer Product Safety Act) | Certain information reported to, or otherwise obtained by, the Consumer Product Safety Commission which either contains or relates to a trade secret or is "subject to section 552(b)(4) of Title 5" | <u>Consumer Prod. Safety Comm'n v. GTE Sylvania, Inc.</u> , 447 U.S. 102, 122 (1980) (15 U.S.C. § 2055(b)(1)); <u>Mulloy v. Consumer Prods. Safety Comm'n</u> , No. 85-3720, 1986 WL 17283, at *1 (6th Cir. July 22, 1986) (per curiam) (unpublished disposition) (15 U.S.C. § 2055(a)(2) and 15 U.S.C. § 2055(b)(5)); <u>Reliance Elec. Co. v. Consumer Prod. Safety Comm'n</u> , No. 87-1478, slip op. at 16-17 (D.D.C. Sept. 19, 1989) (15 U.S.C. § 2055(b)(5)); <u>Mulloy v. Consumer Prod. Safety Comm'n</u> , No. C-2-85-645, 1985 U.S. Dist. LEXIS 17194, at *2-6 (S.D. Ohio Aug. 2, 1985) (15 U.S.C. § 2055(a)(2) and 15 U.S.C. § 2055(b)(5)). |

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| 15 U.S.C. § 3710a(c)<br>(Federal Technology Transfer Act)              | "[T]rade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of Title 5, which is obtained in the conduct of research or as a result of activities under this chapter," which pertains to cooperative research and development agreements for the purpose of technological and industrial innovation | <u>Pub. Citizen Health Research Group v. NIH</u> , 209 F. Supp. 2d 37, 43, 51 (D.D.C. 2002); <u>DeLorme Pub. Co., Inc. v. NOAA</u> , 917 F. Supp. 867, 871-72 (D. Me. 1996), <u>appeal dismissed per stipulation</u> , No. 96-1601 (1st Cir. July 8, 1996). |
| 15 U.S.C. § 6801<br>(Gramm-Leach-Bliley Act)                           | Nonpublic personal information of customers of financial institutions  | <u>Hodes v. HUD</u> , 532 F. Supp. 2d 108, 117 (D.D.C. 2008).   |
| 15 U.S.C. § 7306(d)<br>(National Construction Safety Team Act)         | "[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety"   | <u>Quick v. Dep't of Commerce</u> , 775 F. Supp. 2d 174, 180-81 (D.D.C. 2011).  |
| 16 U.S.C. § 470hh<br>(Archaeological Resources Protection Act of 1979) | Information pertaining to the nature and location of certain archaeological resources  | <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).   |

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|---|---|--|
| 16 U.S.C. § 5937<br>(National Parks Omnibus Management Act) | Information pertaining to: "endangered, threatened, rare, or commercially valuable" National Park System resources; "mineral or paleontological objects within units of the National Park System"; or "objects of cultural patrimony within units of the National Park System"  | <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004); <u>Sw. Ctr. for Biological Diversity v. USDA</u> , 170 F. Supp. 2d 931, 945 (D. Ariz. 2000), <u>aff'd</u> , 314 F.3d 1060, 1062 (9th Cir. 2002); <u>Pease v. U.S. Dep't of Interior</u> , No. 1:99CV113, slip op. at 2, 4 (D. Vt. Sept. 17, 1999). |
| 18 U.S.C. § 208(d)(1)                                       | Providing that "a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) [from application of penalties for acts affecting personal financial interests determined to constitute bribery, graft, or conflicts of interest] shall be made available to the public," but exempting from this disclosure requirement "any information contained in the determination that would be exempt from disclosure under section 552 of title 5" | <u>Seife v. NIH</u> , 874 F. Supp. 2d 248, 256 (S.D.N.Y. 2012).  |



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| 18 U.S.C. § 701                 | Establishes penalties for: manufacturing, selling, or possessing "any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof"; and photographing, printing, making, or executing "any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof" | <u>Jones v. IRS</u> , No. 06-CV-322, 2008 WL 1901208, at *3-4 (W.D. Mich. Apr. 25, 2008).   |
| 18 U.S.C. § 798 (Espionage Act) | Certain classified information pertaining to the communication intelligence and cryptographic devices of the United States or any foreign government  | <u>Larson v. Dep't of State</u> , 565 F.3d 857, 868-69 (D.C. Cir. 2009); <u>ACLU v. ODNI</u> , No. 10-4419, 2012 WL 1117114, at *4 (S.D.N.Y. Mar. 30, 2012); <u>Adejumobi v. NSA</u> , No. 07-1237, 2007 WL 4247878, at *3 (M.D. Fla. Dec. 3, 2007), <u>aff'd per curiam</u> , 287 F. App'x 770 (11th Cir. 2008); <u>Gilmore v. NSA</u> , No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at *26-27 (N.D. Cal. May 3, 1993); <u>Winter v. NSA</u> , 569 F. Supp. 545, 546-48 (S.D. Cal. 1983). |

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| 18 U.S.C. §§ 2510-20<br>(Title III of the Omnibus Crime Control and Safe Streets Act) | Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps  | <u>Mendoza v. DEA</u> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <u>Lam Lek Chong v. DEA</u> , 929 F.2d 729, 733 (D.C. Cir. 1991); <u>Payne v. DOJ</u> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).  |
| 18 U.S.C. § 3123(d)<br>(Pen Register Act)   | Certain court "order[s] authorizing or approving the installation and use of a pen register or a trap and trace device"; information pertaining to "the existence of the pen register or trap and trace device or the existence of the investigation" | <u>Labow v. DOJ</u> , No. 11-1256, 2014 WL 4368954, at *8 (D.D.C. Sept. 4, 2014); <u>Stephens v. DOJ</u> , 26 F. Supp. 3d 59, 68 (D.D.C. 2014); <u>Jennings v. FBI</u> , No. 03-1651, slip op. at 11-12 (D.D.C. May 6, 2004); <u>Manna v. DOJ</u> , 815 F. Supp. 798, 812 (D.N.J. 1993), <u>aff'd on other grounds</u> , 51 F.3d 1158 (3d Cir. 1995). |
| 18 U.S.C. § 3509(d)<br>(Federal Victims' Protection and Rights Act)                   | Certain records containing identifying information pertaining to children involved in criminal proceedings  | <u>Davis v. U.S. Postal Inspection Serv.</u> , No. 13-01972, 2014 WL 7014877, at *3 (D.D.C. Dec. 15, 2014); <u>Rodriguez v. U.S. Dep't of Army</u> , 31 F. Supp. 3d 218, 236-37 (D.D.C. 2014).  |
| 18 U.S.C. § 3521(b)(1)(g)<br>(Witness Security Reform Act of 1984)                    | "[T]he identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing [various factors]," subject to certain exceptions   | <u>Bonadonna v. DOJ</u> , 791 F. Supp. 2d 269, 270 (D. Mass. 2010), <u>aff'd</u> , No. 10-1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).  |
| 18 U.S.C. § 4208(c)<br>(Parole Commission and Reorganization Act)                     | Certain records pertaining to parole determination proceedings  | <u>DOJ v. Julian</u> , 486 U.S. 1, 9 (1988).  |

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| 19 U.S.C. § 1677f<br>(Tariff Act)   | Certain "information submitted to the administering authority or the [United States International Trade] Commission which is designated as proprietary by the person submitting the information"   | <u>Mudge Rose Guthrie Alexander &amp; Ferdon v. U.S. Int'l Trade Comm'n</u> , 846 F.2d 1527, 1530 (D.C. Cir. 1988).   |
| 19 U.S.C. § 2155(g)   | Certain information in connection with trade negotiations.   | <u>Intellectual Prop. Watch v. U.S. Trade Representative</u> , 13 Civ. 8955 (ER), 2015 U.S. Dist. LEXIS 130105, at *37 (S.D.N.Y. Jan. 31, 2014).  |
| 19 U.S.C. §§ 2605(h), 2605(i)<br>(Convention on Cultural Property Implementation Act) | Certain records pertaining to Cultural Property Advisory Committee proceedings where "it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or [certain] bargaining positions"; certain "information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the [Cultural Property Advisory] Committee" | <u>Ancient Coin Collectors Guild v. U.S. Dep't of State</u> , 641 F.3d 504, 511 (D.C. Cir. 2011) (19 U.S.C. § 2605(h)); <u>Ancient Coin Collectors Guild v. U.S. Dep't of State</u> , 866 F. Supp. 2d 28, 32 (D.D.C. 2012) (19 U.S.C. § 2605(i)). |
| 21 U.S.C. § 331(j)<br>(Food, Drug, and Cosmetic Act)                                  | Certain information "concerning any method or process which as a trade secret is entitled to protection"   | <u>Anderson v. HHS</u> , 907 F.2d 936, 950-51 (10th Cir. 1990).   |

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| 22 U.S.C. §§ 1461, 1461-1a<br>(Foreign Affairs Reform and Restructuring Act) | Certain program information prepared by the United States Information Agency  | <u>Essential Info., Inc. v. USIA</u> , 134 F.3d 1165, 1168 (D.C. Cir. 1998).  |
| 22 U.S.C. § 2778(e)<br>(Arms Export Control Act)                             | Certain information pertaining to export license applications   | <u>Council for a Livable World v. U.S. Dep't of State</u> , No. 96-1807, slip op. at 11 (D.D.C. Jan. 21, 1998), <u>amended</u> (D.D.C. Nov. 23, 1998).  |
| 22 U.S.C. § 3104(c)<br>(International Investment Survey Act)                 | Records and reports provided pursuant to subsection (b)(2) of the section of the statute which pertains to certain "surveys and studies" regarding international investment and trade | <u>Young Conservative Found., Inc. v. U.S. Dep't of Commerce</u> , No. 85-3982, 1987 WL 9244, at *3-4 (D.D.C. Mar. 25, 1987).   |
| 26 U.S.C. §§ 6103, 6105<br>(Internal Revenue Code)                           | Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information   | <u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Leonard v. U.S. Dep't of Treasury</u> , 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); <u>Pac. Fisheries, Inc. v. IRS</u> , 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); <u>Tax Analysts v. IRS</u> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105). |
| 28 U.S.C. § 652(d)   | "[C]onfidential dispute resolution communications"  | <u>Yelder v. DOD</u> , 577 F. Supp. 2d 342, 347-48 (D.D.C. 2008).   |

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| 31 U.S.C. § 5319<br>(Bank Secrecy Act) | Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports  | <u>Ortiz v. DOJ</u> , No. 12-1674, 2014 WL 4449686, at *4 (D.D.C. Sept. 9, 2014); <u>Rosenberg v. ICE</u> , 13 F. Supp. 3d 92, 114-15 (D.D.C. 2014); <u>Hulstein v. DEA</u> , No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <u>Council on Am.-Islamic Relations, Cal. v. FBI</u> , 749 F. Supp. 2d 1104, 1117 (S.D. Cal. 2010); <u>Berger v. IRS</u> , 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), <u>aff'd on other grounds</u> , 288 F. App'x 829 (3d Cir. 2008). |
| 35 U.S.C. § 122<br>(Patent Act)        | Applications for patents; certain information pertaining to applications for patents  | <u>Irons &amp; Sears v. Dann</u> , 606 F.2d 1215, 1219-21 (D.C. Cir. 1979).   |
| 38 U.S.C. § 5701                       | "All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of [VA]" | <u>Ashton v. VA</u> , No. 99-6018, 1999 WL 753331, at *1 (2d Cir. Sept. 3, 1999) (unpublished disposition).   |
| 38 U.S.C. § 5705                       | Records created by VA as part of its medical quality-assurance program; certain other information pertaining to VA's medical quality-assurance program  | <u>Schulte &amp; Sun-Sentinel Co. v. VA</u> , No. 86-6251, slip op. at 3-4, 12 (S.D. Fla. Feb. 2, 1996).  |
| 38 U.S.C. § 7332                       | Records of patients being treated for certain conditions  | <u>Palmer v. Derwinski</u> , No. 91-197, slip op. at 3-4 (E.D. Ky. June 10, 1992).  |

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| 39 U.S.C. § 410(c)(2)<br>(Postal Reorganization Act)                              | Commercial information which would not be disclosed under good business practice   | <u>Wickwire Gavin, P.C. v. USPS</u> , 356 F.3d 588, 589, 597 (4th Cir. 2004); <u>Am. Postal Workers Union, AFL-CIO v. USPS</u> , 742 F. Supp. 2d 76, 81-83 (D.D.C. 2010); <u>Reid v. USPS</u> , No. 05-294, 2006 WL 1876682, at *5-9 (S.D. Ill. July 5, 2006); <u>Robinett v. USPS</u> , No. 02-1094, 2002 WL 1728582, at *5 (E.D. La. July 24, 2002).                                 |
| 41 U.S.C. § 253b(m)(1)<br>(currently at 41 U.S.C. § 4702)                         | Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts   | <u>Sinkfield v. HUD</u> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <u>Margolin v. NASA</u> , No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004). |
| 41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))*<br>(Procurement Integrity Act) | Contractor bid or proposal information; source selection information   | <u>Legal &amp; Safety Employer Research, Inc. v. U.S. Dep't of the Army</u> , No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).  |
| 42 U.S.C. § 300aa-12(d)(4)(A)<br>(National Childhood Vaccine Injury Act of 1986)  | "Except as provided in subparagraph (B), information submitted to a special master or the court in a proceeding on a petition [for compensation under the National Vaccine Injury Compensation Program] . . . without the express written consent of the person who submitted the information" | <u>Long v. DOJ</u> , 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011).   |

| Statute/Rule   | Type of Information Withheld   | Case Citation  |
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| 42 U.S.C. § 405(r)<br>(Social Security Act)                                      | Death certificates and records pertaining to deaths provided to the Commissioner of Social Security under this subsection  | <u>Int'l Diatomite Producers Ass'n v. SSA</u> , No. 92-1634, 1993 WL 137286, at *3 (N.D. Cal. Apr. 28, 1993), <u>appeal dismissed per stipulation</u> , No. 93-16204 (9th Cir. Oct. 27, 1993).                               |
| 42 U.S.C. §§ 2000e-5(b), 2000e-8(e)<br>(Civil Rights Act of 1964)                | Information pertaining to charges of unlawful employment practices; information obtained by the EEOC in investigating charges of unlawful employment practices   | <u>Frito-Lay v. EEOC</u> , 964 F. Supp. 236, 240-43 (W.D. Ky. 1997); <u>Am. Centennial Ins. Co. v. EEOC</u> , 722 F. Supp. 180, 184 (D.N.J. 1989).   |
| 42 U.S.C. § 2162<br>(Atomic Energy Act)  | "Restricted Data" pertaining to atomic weapons and special nuclear material  | <u>Meeropol v. Smith</u> , No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), <u>aff'd in relevant part &amp; remanded in part on other grounds sub nom.</u> ; <u>Meeropol v. Meese</u> , 790 F.2d 942 (D.C. Cir. 1986). |
| 42 U.S.C. §§ 2286d(a), 2286g(3)<br>(Defense Nuclear Facilities Safety Board Act) | Defense Nuclear Facilities Safety Board recommendations  | <u>Nat. Res. Def. Council, Inc. v. Def. Nuclear Facilities Safety Bd.</u> , 969 F.2d 1248, 1249, 1251 (D.C. Cir. 1992).  |
| 42 U.S.C. § 3610(d)<br>(Fair Housing Act)  | Records pertaining to conciliation of disputes regarding allegations of unfair housing practices; information derived from housing discrimination investigations and any final investigative reports pertaining to such investigations | <u>West v. Jackson</u> , 448 F. Supp. 2d 207, 212-13 (D.D.C. 2006), <u>summary affirmance granted &amp; motion to remand denied</u> , No. 06-5281, 2007 WL 1723362 (D.C. Cir. Mar. 6, 2007).                                 |
| 42 U.S.C. § 14132(b)(3)  | Certain "stored DNA samples and DNA analyses"  | <u>Moore v. Nat'l DNA Index System</u> , 662 F. Supp. 2d 136, 140 (D.D.C. 2009).   |

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| 45 U.S.C. § 362(d)<br>(Railroad Unemployment Insurance Act) | Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity  | <u>Ass'n of Retired R.R. Workers v. U.S. R.R. Retirement Bd.</u> , 830 F.2d 331, 334 (D.C. Cir. 1987); <u>Nat'l Ass'n of Retired &amp; Veteran Ry. Employees v. R.R. Ret. Bd.</u> , No. 87-117, slip op. at 5 (N.D. Ohio Feb. 20, 1991).   |
| 47 U.S.C. § 605<br>(Communications Act of 1934)             | Certain information pertaining to interstate or foreign communication by wire or radio   | <u>Reston v. FCC</u> , 492 F. Supp. 697, 699-700 (D.D.C. 1980).  |
| 49 U.S.C. § 114   | Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title  | <u>Skurow v. DHS</u> , No. 11-1296, 2012 WL 4380895, at *9-10 (D.D.C. Sept. 26, 2012); <u>Tooley v. Bush</u> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <u>aff'd on other grounds</u> , 586 F.3d 1006 (D.C. Cir. 2009); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004). |
| 49 U.S.C. § 1114(c)<br>(Transportation Safety Act of 1974)  | Certain "cockpit voice or video recorder recording[s] or transcript[s] of communications by and between flight crew members and ground stations pertaining to [] incident[s] investigated by the [National Transportation Safety] Board"   | <u>McGilvra v. NTSB</u> , 840 F. Supp. 100, 102 (D. Colo. 1993).   |
| 49 U.S.C. § 40119(b)<br>(Federal Aviation Act)              | Certain information obtained or developed in ensuring transportation security if disclosure of that information would: constitute an invasion of personal privacy, reveal a trade secret or confidential commercial or financial information, or be detrimental to transportation safety | <u>Pub. Citizen, Inc. v. FAA</u> , 988 F.2d 186, 194 (D.C. Cir. 1993); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).   |



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| 50 U.S.C. § 402 note (National Security Agency Act of 1959)                                   | Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees   | <u>ACLU v. DOJ</u> , 681 F.3d 61, 72-75 (2d Cir. 2012); <u>Elec. Priv. Info. Ctr. v. NSA</u> , 678 F.3d 926, 931 (D.C. Cir. 2012); <u>Houghton v. NSA</u> , 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); <u>Lahr v. NTSB</u> , 569 F.3d 964, 985 (9th Cir. 2009); <u>Larson v. Dep't of State</u> , 565 F.3d 857, 868-69 (D.C. Cir. 2009); <u>Founding Church of Scientology v. NSA</u> , 610 F.2d 824, 827-28 (D.C. Cir. 1979); <u>Roman v. NSA</u> , No. 07-CV-4502, 2009 WL 303686, at *5-6 (E.D.N.Y. Feb. 9, 2009), <u>summary affirmance granted</u> , 354 F. App'x. 591 (2d Cir. 2009). |
| 50 U.S.C. § 403-1(i)(1) (currently at 50 U.S.C. § 3024(i)(1)) (National Security Act of 1947) | Intelligence sources and methods  | <u>CIA v. Sims</u> , 471 U.S. 159, 167 (1985); <u>ACLU v. DOJ</u> , 681 F.3d 61, 72-75 (2d Cir. May 21, 2012); <u>ACLU v. DOD</u> , 628 F.3d 612, 619, 626 (D.C. Cir. 2011); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007).  |
| 50 U.S.C. § 403g (currently at 50 U.S.C. § 3507) (Central Intelligence Agency Act of 1949)    | Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency" | <u>ACLU v. DOJ</u> , 681 F.3d 61, 72-75 (2d Cir. 2012); <u>Larson v. Dep't of State</u> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Makky v. Chertoff</u> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <u>aff'd on other grounds</u> , 541 F. 3d 205 (3d Cir. 2008).  |
| 50 U.S.C. § 431 (Central Intelligence Agency Information Act of 1984)                         | "[O]perational files of the Central Intelligence Agency"  | <u>CIA v. Sims</u> , 471 U.S. 159, 167, 174 n.19 (1985) (dictum); <u>Wolf v. CIA</u> , 569 F. Supp. 2d 1, 8 (D.D.C. 2008).   |

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| 50 U.S.C. § 432a<br>(currently at 50 U.S.C. § 3143)   | Operational files of the National Reconnaissance Office  | <u>Aftergood v. National Reconnaissance Office</u> , 441 F. Supp. 2d 37, 46 (D.D.C. 2006).   |
| 50 U.S.C. § 1702(a)(1)<br>(International Emergency Economic Powers Act)   | Authorizes the President to "regulate . . . prevent or prohibit . . . importation or exportation of . . . any property in which any foreign country or a national thereof has any interest . . . by any person, or with respect to any property, subject to the jurisdiction of the United States" | <u>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</u> , 317 F.3d 275, 284 (D.C. Cir. 2003).  |
| 50 U.S.C. app. § 2411(c)<br>(Export Administration Act of 1979)   | Information pertaining to license applications under the Export Administration Act   | <u>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</u> , 317 F.3d 275, 284 (D.C. Cir. 2003); <u>Times Publ'g Co. v. U.S. Dep't of Commerce</u> , 236 F.3d 1286, 1292 (11th Cir. 2001); <u>Lessner v. U.S. Dep't of Commerce</u> , 827 F.2d 1333, 1336-37 (9th Cir. 1987). |
| Pub. L. No. 108-447, 118 Stat. 2809, 2859-60<br>(Consolidated Appropriations Act, 2005)<br>Pub. L. No. 110-161, 121 Stat. 1844, 1903-904<br>(Consolidated Appropriations Act, 2008) | Certain firearms database information  | <u>City of Chicago v. U.S. Dep't of the Treasury</u> , 423 F.3d 777, 781-82 (7th Cir. 2005); <u>Abdeljabbar v. ATE</u> , No. 13-cv-0330, 2014 WL 6478794, at *9-11 (D.D.C. Nov. 20, 2014); <u>Singh v. FBI</u> , 574 F. Supp. 2d 32, 45-46 (D.D.C. 2008).                                |

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| Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319 | Certain records pertaining to grand jury proceedings | <u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008). |
| Fed. R. Crim. P. 32, enacted by Act of July 31, 1975, Pub. L. 94-64, § 2, 89 Stat. 370  | Presentence reports and recommendations              | <u>DOJ v. Julian</u> , 486 U.S. 1, 9 (1988).  |