

IV. EXEMPTION 3 STATUTES

STATUTE	TYPE OF INFORMATION WITHHELD	CASE CITATIONS	NUMBER OF TIMES RELIED UPON PER COMPONENT	TOTAL NUMBER OF TIMES RELIED UPON BY AGENCY
5 U.S.C. app. § 107	Confidential Conflict of Interest Certification reports; financial disclosure information pertaining to certain government employees	<i>Meyerhoff v. EPA</i> , 958 F.2d 1498 (9th Cir. 1992) <i>Glascoe v. DOJ</i> , No. 04-0486, 2005 WL 1139269 (D.D.C. May 15, 2005)	EOUSA - 40	40
8 U.S.C. § 1158	Records pertaining to asylum and withholding of removal	None	EOIR - 1	1
15 U.S.C. § 18a(h)	Information submitted in connection with the premerger notification provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976	<i>Lieberman v. FTC</i> , 771 F.2d 32 (2d Cir. 1985)	Antitrust - 3	3
15 U.S.C. § 1314(g)	Documentary material, answers to written interrogatories, or transcripts of oral depositions submitted in response to a Civil Investigative Demand (CID)	<i>Motion Picture Ass'n of Am. v. DOJ</i> , No. 80 Civ. 6612 (S.D.N.Y. Oct. 6, 1981)	Antitrust - 2	2
18 U.S.C. § 798	Certain classified information pertaining to communications intelligence and cryptographic devices of the United States or any foreign government	<i>N.Y. Times Co. v. DOD</i> , 499 F. Supp. 2d 501 (S.D.N.Y. 2007) <i>Winter v. NSA</i> , 569 F.Supp 545 (S.D. Cal. 1983)	Office of the AG - 1 Office of the DAG - 1 FBI - 1 OLA - 1 OLP - 1	5
18 U.S.C. §§ 2510-2520	Title III wiretap requests and information; information pertaining to the interception and disclosure of wire, oral, or electronic communication	<i>Lam Lek Chong v. DEA</i> , 929 F.2d 729 (D.C. Cir. 1991)	Criminal - 9 DEA - 28 EOUSA - 8 FBI - 40	85

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18 U.S.C. § 3123	Pen registers; pen register orders	<i>Manna v. DOJ</i> , 815 F.Supp 798 (D.N.J. 1993), <i>aff'd on other grounds</i> , 51 F.3d 1158 (3d Cir. 1995)	FBI - 5	5
18 U.S.C. § 3153	Information regarding pre-trial services	None	EOUSA - 6	6
18 U.S.C. § 3509	Pornography	None	EOUSA - 1	1
18 U.S.C. § 3521	Witness security information	None	FBI - 4 USMS - 8	12
18 U.S.C. § 5038	Juvenile arrest records	None	EOUSA - 1 FBI - 8	9
22 U.S.C. § 1644	Records pertaining to certain claims against the German Democratic Republic	None	FCSC - 1	1
26 U.S.C. § 6103	Certain tax return information	<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987) <i>Ryan v. ATF</i> , 715 F.2d 644 (D.C. Cir. 1983) <i>Radcliffe v. IRS</i> , 536 F. Supp. 2d 423 (S.D.N.Y. 2008)	ATF - 10 EOUST - 2 FBI - 43 Tax - 5	60
28 U.S.C. § 651	Documents filed under seal and confidential mediation documents	None	ENRD - 1	1

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31 U.S.C. § 5311	Records and reports on monetary instruments transactions	<p><i>Berger v. IRS</i>, 487 F. Supp. 2d 482 (D.N.J. 2007), <i>aff'd on other grounds</i>, 288 F. App'x 829 (3d Cir. 2008), <i>cert. denied</i>, 129 S. Ct. 2789 (U.S. 2009)</p> <p><i>Sciba v. Bd. of Governors of the Fed. Reserve Sys.</i>, No. 04-1011, 2005 WL 3201206 (D.D.C. Nov. 4, 2005)</p>	FBI - 1	1
31 U.S.C. § 3730	Records pertaining to financial false claims	None	EOUSA - 2	2
41 U.S.C. § 235b(m)	Confidential business information; proposals not incorporated into contracts	<p><i>Hornbostel v. U.S. Dep't of the Interior</i>, 305 F. Supp. 2d 21 (D.D.C. 2003), <i>summary affirmance granted</i>, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)</p>	Civil - 1 JMD - 1	2
41 U.S.C. § 423(a)(1)	Contractor bid or proposal information; source selection information	<p><i>Legal and Safety Employer Research, Inc. v. U.S. Dep't of the Army</i>, No. Civ. S001748, 2001 WL 34098652 (E.D. Cal. May 4, 2001) (dictum)</p>	OFDT - 1	1
42 U.S.C. § 300AA-12(D)(4)(A)	Records submitted in connection with a petition for compensation under the National Vaccine Injury Compensation Program	None	Civil - 1	1

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42 U.S.C. § 2000e-5(b)	Complaint/conciliation testimony/information within sections 706(b) and 709(e) of the Civil Rights Act of 1964	<i>Frito-Lay v. EEOC</i> , 964 F. Supp. 236 (W.D. Ky. 1997) <i>American Centennial Ins. Co. v. EEOC</i> , 722 F. Supp. 180 (D.N.J. 1989)	Civil Rights - 1	1
42 U.S.C. § 2000g-2(b)	CRS confidentiality information	None	CRS - 1	1
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	None	OJP - 1	1
50 U.S.C. § 402 note	Certain information pertaining to NSA employees; information regarding the functions, organizations, or activities of NSA; national security sources and methods	<i>Founding Church of Scientology v. NSA</i> , 610 F.2d 824 (D.C. Cir. 1979)	Office of the AG - 1 Office of the DAG - 1 OLA - 1 OLP - 1 FBI - 1	5
50 U.S.C. § 403g	Intelligence sources and methods; national security sources and methods; certain information pertaining to agency personnel; information regarding CIA organization, activities, and personnel	<i>CIA v. Sims</i> , 471 U.S. 159 (1985) <i>Berman v. CIA</i> , 501 F.3d 1136 (9th Cir. 2007) <i>Minier v. CIA</i> , 88 F.3d 796 (9th Cir. 1996)	Office of the AG - 1 Office of the DAG - 1 FBI - 70 OLA - 1 OLC - 12 OLP - 1	86
50 U.S.C. § 403-1(i)	National security sources and methods; intelligence sources and methods	<i>CIA v. Sims</i> , 471 U.S. 159 (1985) <i>Berman v. CIA</i> , 501 F.3d 1136 (9th Cir. 2007)	FBI - 67 OLC - 12	79

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Fed. R. Crim. P. 6(e)	Certain records pertaining to grand jury proceedings	<i>Fund for Constitutional Government v. N.A.R.S.</i> , 656 F.2d 856 (D.C. Cir. 1981) <i>McDonnell v. United States</i> , 4 F.3d 1227 (3d Cir. 1993) <i>Church of Scientology v. DOJ</i> , 30 F.3d 224 (1st Cir. 1994) <i>Senate of P.R. v. DOJ</i> , 823 F.2d 574 (D.C. Cir. 1987)	ATF - 6 Antitrust - 2 Criminal - 10 EOUSA - 216 FBI - 330 Tax - 4	568
Fed. R. Crim. P. 32	Presentence and judgment information	<i>DOJ v. Julian</i> , 486 U.S. 1 (1988)	FBI - 1	1
Pub. L. No. 111-8, 123 Stat. 524	Information required to be maintained by Federal Firearms Licensees and information maintained in the ATF Firearms Tracing Systems	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777 (7th Cir. 2005)	ATF - 171	171

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