



Exemption 7(F)*

Exemption 7(F) of the Freedom of Information Act protects “records or information compiled for law enforcement purposes [the disclosure of which] could reasonably be expected to endanger the life or physical safety of any individual.”¹ The Court of Appeals for the District of Columbia Circuit has held that “[d]isclosure need not *definitely* endanger life or physical safety; a reasonable expectation of endangerment suffices.”²

Courts have routinely upheld the use of Exemption 7(F) to protect the identities of law enforcement agents.³ While this exemption originally only protected law

* This section primarily includes case law, guidance, and statutes up until January 31, 2024. While some legal authorities after this date may be included, for a comprehensive accounting of all recent court decisions, please visit OIP’s Court Decisions webpage (<https://www.justice.gov/oip/court-decisions-overview>). Please also note that this section generally only includes subsequent case history in the citations when it is relevant to the point for which the case is being cited.

¹ [5 U.S.C. § 552\(b\)\(7\)\(F\) \(2018\)](#).

² Pub. Emps. for Env’t Resp. v. U.S. Section Int’l Boundary & Water Comm’n, 740 F.3d 195, 205 (D.C. Cir. 2014).

³ See, e.g., Burnett v. DOJ, No. 21-5092, 2021 WL 6102268, at *2 (D.C. Cir. Dec. 3, 2021) (per curiam) (affirming agency’s withholding of DEA law enforcement personnel names); Jordan v. DOJ, 668 F.3d 1188, 1198 (10th Cir. 2011) (affirming lower court decision that prison staff roster was properly withheld because release could “expos[e] [staff] to threats, manipulation, and harm”); Rugiero v. DOJ, 257 F.3d 534, 552 (6th Cir. 2001) (protecting information about DEA agents); Johnston v. DOJ, 163 F.3d 602 (8th Cir. 1998) (unpublished table decision) (protecting information related to identities of DEA special agents, DEA personnel, local law enforcement personnel, and other third parties); Stahl v. DOJ, No. 19-4142, 2021 WL 1163154, at *5 (E.D.N.Y Mar. 26, 2021) (stating that Exemption 7(F) “prevents disclosure of [prison] staff’s names, titles, and responsibilities”); Garza v. USMS, No. 16-0976, 2018 WL 4680205, at *17 (D.D.C. Sept. 28, 2018) (noting that DEA agents “constitute the textbook definition of persons who warrant protection under Exemption 7(F)”); Michael v. DOJ, No. 17-0197, 2018 WL 4637358, at *12 (D.D.C. Sept. 27,

enforcement personnel,⁴ it was later amended⁵ and now protects the safety of “any individual.”⁶ As a result, courts have held that Exemption 7(F) can protect the names and identifying information of various individuals, including non-law enforcement federal employees and other third persons in connection with particular law enforcement

2018) (protecting names of ATF arresting agents and undercover informants); McCoy v. United States, No. 04-101, 2006 WL 2459075, at *6 (N.D. W. Va. Aug. 23, 2006) (holding that DEA properly withheld names of DEA special agents, Deputy U.S. Marshals, and state and local law enforcement officers); McQueen v. United States, 264 F. Supp. 2d 502, 521 (S.D. Tex. 2003) (protecting identities of undercover agents participating in plaintiff’s criminal investigation), aff’d per curiam, 100 F. App’x 964, 964 (5th Cir. 2004); Moody v. DEA, 592 F. Supp. 556, 559 (D.D.C. 1984) (acknowledging that Exemption 7(F) protection appropriate even for retired law enforcement officers); cf. Williams v. DOJ, No. 19-0104, 2023 WL 2424738, at *5 (D.D.C. Mar. 9, 2023) (appeal pending) (approving withholding of “Group Numbers,” which if disclosed “would amount to the disclosure of a ‘mosaic’ or puzzle from which outsiders” could potentially identify specific DEA law enforcement personnel (quoting agency’s declaration)). But see Kubik v. BOP, No. 10-6078, 2011 WL 2619538, at *12 (D. Or. July 1, 2011) (rejecting use of Exemption 7(F) to withhold names of BOP staff members who responded to riot because inmates saw them, and their identities would be discoverable in litigation).

⁴ See ACLU v. DOD, 543 F.3d 59, 79-80 (2d Cir. 2008) (discussing legislative history of Exemption 7(F) and explaining that 1986 amendments to FOIA expanded coverage of exemption to include individuals who are not law enforcement personnel), cert. granted, vacated & remanded on other grounds, 558 U.S. 1042 (2009).

⁵ See Freedom of Information Reform Act of 1986, Pub. L. No. 99-570, 100 Stat. 3207 (1986).

⁶ 5 U.S.C. § 552(b)(7)(F); see also Amuso v. DOJ, 600 F. Supp. 2d 78, 101 (D.D.C. 2009) (explaining that “[w]hile courts generally have applied Exemption 7(F) to protect law enforcement personnel or other specified third parties, by its terms, the exemption is not so limited; it may be invoked to protect ‘any individual’ reasonably at risk of harm” (quoting Long v. DOJ, 450 F. Supp. 2d 42, 79 (D.D.C. 2006))).

matters,⁷ as well as information about inmates,⁸ private security contractor companies,⁹ medical personnel,¹⁰ and asylum seekers.¹¹ Courts have also upheld the use of Exemption

⁷ See, e.g., ACLU v. BOP, No. 20-2320, 2022 WL 17250300, at *18-20 (D.D.C. Nov. 28, 2022) (holding that agency properly protected information regarding federal executions, including names and information related to agency staff and third parties associated with implementing death penalty, as well as names of hotels reserved for staff, contractors, and witnesses associated with executions); Koltys v. Wolf, No. 22-00655, 2022 WL 2784434, at *1, 7-11 (C.D. Cal. June 7, 2022) (holding that agency’s redaction of information was appropriate pursuant to Exemptions 6, 7(C), 7(D), and 7(F) where release of such information would allow plaintiff to potentially identify individuals who made reports about him to agency and were mentioned in behavioral assessment report generated in response to investigation of plaintiff after bringing firearm to the workplace); Adionser v. DOJ, 811 F. Supp. 2d 284, 301 (D.D.C. 2011) (protecting identities of “special agents, law enforcement officers, government employees, and confidential sources”); Anderson v. BOP, 806 F. Supp. 2d 121, 128 (D.D.C. 2011) (determining information properly withheld pursuant to Exemption 7(F) where disclosure “could jeopardize the safety of individual(s) as it would likely result in harassment and/or retaliation, to possibly include physical assaults, directed toward individual(s) identified in the investigation and resulting in a threat not only to the named individual but also the safe operation of the institution” (quoting agency’s declaration)); Peter S. Herrick’s Customs & Int’l Trade Newsl. v. CBP, No. 04-00377, 2006 WL 1826185, at *9 (D.D.C. June 30, 2006) (finding that disclosure of U.S. Customs officials’ identities and information regarding seized contraband could endanger life or physical safety of both Customs officials and innocent bystanders); Garcia v. DOJ, 181 F. Supp. 2d 356, 378 (S.D.N.Y. 2002) (protecting “names and/or identifying information concerning private citizens and third parties who provided information” to FBI).

⁸ See Yagman v. BOP, 605 F. App’x 666, 667 (9th Cir. 2015) (noting that prison guards and inmates in witness protection programs constitute individuals associated with law enforcement personnel and are properly protected under 7(F)); Stroud v. BOP, No. 22-00799, 2023 WL 4405657, at *8 (D. Conn. July 7, 2023) (applying Exemption 7(F) to information about “inmate safety requests made through the [agency]’s administrative remedy program [because disclosure] would . . . expose the inmate to foreseeable danger”); Jordan v. DOJ, No. 07-2303, 2009 WL 2913223, at *25 (D. Colo. Sept. 8, 2009) (concluding that shakedown log, which documents prison efforts to uncover contraband, was properly withheld because it implicates privacy and safety concerns for inmates), aff’d, 668 F.3d 1188 (10th Cir. 2011); Lee v. DOJ, No. 04-1013, 2007 WL 2852538, at *7 (W.D. Pa. Sept. 27, 2007) (holding that agency properly withheld “names and personal information” about inmates involved in investigations of wrong-doing at correctional facilities because disclosure could subject them to “retaliatory physical harm”); Brady-Lunny v. Massey, 185 F. Supp. 2d 928, 932 (C.D. Ill. 2002) (finding that release of list of inmates’ names would endanger life and physical safety “given inmates’ gang ties, interest in escape, and motives for violence against informants and rivals”); Anderson v. USMS, 943 F. Supp. 37, 40 (D.D.C. 1996) (protecting identity of inmate who required separation from incarcerated requester when disclosure could endanger the safety of that individual).

⁹ See L.A. Times Commc’ns, LLC v. Dep’t of the Army, 442 F. Supp. 2d 880, 898-900 (C.D. Cal. 2006) (applying Exemption 7(F) where disclosure of private security contractor

7(F) to protect the identities of informants and sources.¹² Unlike Exemptions 6 or 7(C), no balancing is required for withholding information under Exemption 7(F).¹³

company names could, when combined with other known information, endanger life or physical safety of many individuals).

¹⁰ See Stahl v. DOJ, No. 19-4142, 2021 WL 1163154, at *5-6 (E.D.N.Y Mar. 26, 2021) (indicating that Exemption 7(F) prevents disclosure of portions of videos that reveal identity of prison staff, including medical personnel); Sanders v. DOJ, No. 91-2263, 1992 WL 97785, at *5 (D. Kan. Apr. 21, 1992) (holding that use of 7(F) was proper where disclosing identities of medical personnel who prepared requester’s mental health records, as well as the custodian of records at the medical facility that provided information to agency, would endanger their safety).

¹¹ See Sabra v. CBP, No. 20-681, 2023 WL 1398473, at *11 (D.D.C. Jan. 31, 2023) (appeal pending) (concluding that agency properly applied Exemption 7(F) to withhold “information relating to claims of asylum” because “asylum seekers are, by definition, fleeing persecution [and therefore] release of information relating to an asylum claim can reasonably be expected to endanger the life or physical safety of the individual making the asylum claim and others who may be impacted by the release of information related to the claim, including the fact that such a claim was made” (quoting agency’s declaration)).

¹² See, e.g., Hammouda v. OIP, 920 F. Supp. 2d 16, 26 (D.D.C. 2013) (holding that FBI properly withheld information identifying individual who provided information concerning “alleged criminal activities” because disclosure “could reasonably be expected to endanger his/her life and/or physical safety” (quoting agency’s declaration)); Fischer v. DOJ, 723 F. Supp. 2d 104, 111 (D.D.C. 2010) (concluding that reports of death threats made by plaintiff and other individuals against confidential sources justified FBI’s use of Exemption 7(F) to protect identities of FBI sources); Quinto v. DOJ, 711 F. Supp. 2d 1, 8 (D.D.C. 2010) (concluding that release of information pertaining to inmate placement in high security facility would reveal sources of information and “could lead to retaliation against those individuals”); Amuso v. DOJ, 600 F. Supp. 2d 78, 101-02 (D.D.C. 2009) (holding that agency properly withheld information pertaining to “source symbol number informants and the names and identifying information concerning cooperating witnesses” because “disclosure of this information could threaten the lives of or otherwise endanger their safety”); Cozen O’Connor v. U.S. Dep’t of Treasury, 570 F. Supp. 2d 749, 786 (E.D. Pa. 2008) (determining that agency properly redacted “names and personal identifiers of its agents and sources to protect them from retribution” in connection with their “involve[ment] in ongoing criminal investigations of terrorist activities”); Miller v. DOJ, 562 F. Supp. 2d 82, 124-25 (D.D.C. 2008) (holding that agency properly withheld information pertaining to symbol-numbered informant, cooperating witnesses, and other third parties).

¹³ See Michael v. DOJ, No. 17-0197, 2018 WL 4637358, at *12 (D.D.C. Sept. 27, 2018) (finding that “[i]nformation withheld pursuant to Exemption 7(F) is also subject to withholding pursuant to Exemptions 6 and 7(C), although no balancing test is required under Exemption (F)”); Raulerson v. Ashcroft, 271 F. Supp. 2d 17, 29 (D.D.C. 2002) (noting that “[u]nlike Exemption 7(C), which involves a balancing of societal and individual privacy interests, 7(F) is an absolute ban against certain information and, arguably, an even broader

The D.C. Circuit has explained that the language of Exemption 7(F) “is very broad,” and it upheld its use to protect information beyond mere identities of individuals, finding that inundation maps showing which areas downstream from dams are at risk for flooding fall within Exemption 7(F)’s scope.¹⁴ Additionally, information that would tend to identify or estimate the size of protective security details, which could create a risk of harm to agents and those they protect, can be withheld pursuant to Exemption 7(F).¹⁵ Further, due to risks to prison security that disclosure would create, the Exemption has also been used to withhold details of the staffing levels, physical structure, and security plans and procedures of prison facilities.¹⁶ One court has approved the application of this

protection than 7(C)”; Shores v. FBI, 185 F. Supp. 2d 77, 85 (D.D.C. 2002) (stating that Exemption 7(F), while covering material that also may be subject to Exemption 7(C), “does not require any balancing test”).

¹⁴ Pub. Emps. for Env’t Resp. v. U.S. Section Int’l Boundary & Water Comm’n, 740 F.3d 195, 206 (D.C. Cir. 2014) (approving withholding of inundation maps because of concern that terrorists could use information in maps to cause flooding and destruction in populated areas, causing harm to specified population of individuals within such areas); see also Living Rivers, Inc. v. U.S. Bureau of Reclamation, 272 F. Supp. 2d 1313, 1321-22 (D. Utah 2003) (determining that Exemption 7(F) is not limited “to known, named individuals only,” and maps showed information such as “estimated travel times for the flood progression at key locations” as well as “the extent of flooding that would be occasioned by attacking individual features of the dam,” making the dams potential “weapon of mass destruction” such that release of the maps could reasonably be expected to endanger the lives of those living downstream from the dam (quoting agency’s declaration)).

¹⁵ See Surgey v. EPA, No. 18-654, 2021 WL 5758880, at *8-9 (D.D.C. Dec. 3, 2021) (finding that “staffing-related information” and “the protective means and methods” of the Administrator’s Protective Service Detail were properly withheld pursuant to Exemptions 7(E) and 7(F)); Citizens for Resp. & Ethics in Wash. v. DHS, 525 F. Supp. 3d 181, 186, 189-95 (D.D.C. 2021) (concluding number of Secret Service personnel on detail, as well as information such as hotel room rates and amounts paid for meals and expenses during trip, which could be used under mosaic theory to imply or predict number of personnel, were properly protected under Exemptions 7(E) and 7(F)).

¹⁶ See ACLU v. BOP, No. 20-2320, 2022 WL 17250300, at *19-20 (D.D.C. Nov. 28, 2022) (protecting blueprints of execution facility for federal inmates because “releasing any portion of the blueprints of that facility provides opportunity to probe for vulnerabilities to breach security of the facility” (quoting agency’s declaration)); Stahl v. DOJ, No. 19-4142, 2021 WL 1163154, at *5-6 (E.D.N.Y. Mar. 26, 2021) (holding that portions of videos documenting procedures for removing prisoners from their cells, including the types of gear and equipment employed, fall within Exemption 7(F) because “[d]isclosing this information would enable inmates to circumvent the procedures, threatening the BOP’s ability to perform them safely,” but further concluding that portions of videos showing medical staff conducting physical examination and implementing medical treatment do not raise similar concerns); Pinson v. DOJ, 313 F. Supp. 3d 88, 121 (D.D.C. 2018) (determining that withholding of “institution’s policies [on] tools and keys”; ‘photographs of locks on cell door

Exemption to a description of a home-made machine gun in an FBI laboratory report because its disclosure would create the real possibility that law enforcement officers would have to face “individuals armed with home-made devices constructed from the expertise of other law enforcement people.”¹⁷ Similarly, Exemption 7(F) was found to validly protect videos showing ballistics tests of certain types of ammunitions.¹⁸

Courts have also approved the use of Exemption 7(F) to withhold information that would put the requester’s own safety at risk.¹⁹ Additionally, courts have applied

and hand restraints’; and the ‘steps used to resolve major crises in a [BOP] facility’” was proper where “disclosure of such information would enable inmates to use the staff’s resources against them, allow capable inmates to pick cell locks and hand restraints, and enable individuals to circumvent the staff’s techniques in crises situations . . . thus endangering the life or physical safety of inmates, staff, and the public” (quoting agency’s declaration)); Pinson v. DOJ, 236 F. Supp. 3d 338, 369-70 (D.D.C. 2017) (approving withholding of information that would reveal BOP institution staffing levels because this information “could assist individuals in planning incidents, including assaults, homicides, and escape attempts” (quoting agency’s declaration)); Raher v. BOP, No. 09-526, 2011 WL 2014875, at *10 (D. Or. May 24, 2011) (concluding that information regarding details of physical structure and security plans of BOP facility was properly withheld under Exemption 7(F) based upon BOP’s attestations that disclosure of details “would facilitate escapes, disturbances, and destruction of government property” as well as generally endanger security of prison (quoting agency’s declaration)).

¹⁷ LaRouche v. Webster, No. 75-6010, 1984 WL 1061, at *8 (S.D.N.Y. Oct. 23, 1984).

¹⁸ See Nat’l Pub. Radio v. FBI, 539 F. Supp. 3d 1, 9-10 (D.D.C. 2021) (concluding that videos are protectable pursuant to Exemption 7(F) because they “portray the [agency’s] data-gathering efforts regarding bullets’ ‘ability to inflict the most effective wound to a human adversary,’ [therefore] they could allow nefarious actors to select ammunition that would ‘inflict greater damage to their intended target [or] law enforcement officer[s] responding to crime scenes’” (quoting agency’s declaration)).

¹⁹ See Pinson, 313 F. Supp. 3d at 119-20 (concluding that witness form responses used during plaintiff’s referral hearing and records containing discussions of gang and informant activity that could adversely affect plaintiff’s safety were properly withheld); see also Mosby v. Hunt, No. 09-1917, 2010 WL 2794250, at *1 (D.D.C. July 15, 2010) (describing BOP’s application of 7(F) to protect plaintiff as “novel twist,” but approving withholding because “plaintiff does not appear to have waived the protection contemplated by exemption 7(F)”), aff’d per curiam, No. 10-5296, 2011 WL 3240492 (D.C. Cir. Sept. 29, 2011); cf. Sluss v. DOJ, No. 17-00064, 2019 WL 2493447, at *7-8 (D.D.C. June 14, 2019) (determining that Exemption 7(F) can be used to protect plaintiff, and that plaintiff does not have “the unilateral authority to negate an otherwise applicable exemption” by waiving the risk of disclosure; however, concluding that disclosure of information withheld by agency is appropriate where plaintiff “expresse[d] no concern over his safety,” and importantly, where plaintiff’s former counsel agreed to serve as custodian of the records, “thereby eliminating the risk of harm to Plaintiff altogether”).

Exemption 7(F) to protect persons from possible harm from a requester who has threatened them in the past, has a violent history, or who has a connection to violent organizations.²⁰

Further, Exemption 7(F) protection has been found appropriate even when it was not possible to identify the specific individuals whose safety was at risk.²¹ In Electronic Privacy Information Center v. DHS, the D.C. Circuit reversed the district court’s decision that Exemption 7(F) could not be used to withhold a protocol for disabling wireless communications during critical emergencies.²² The lower court had held that the government had not specifically identified individuals who could be endangered by the release of the information.²³ The D.C. Circuit disagreed, looking to the plain language of the statute, which referenced “any individual,” not “any specifically identified

²⁰ See, e.g., Koltys v. Wolf, No. 22-655, 2022 WL 2784434, at *1, 7-11 (C.D. Cal. June 7, 2022) (protecting information that “would allow [p]laintiff to either directly or indirectly identify [other] individuals mentioned” in behavioral assessment report generated in response to investigation of plaintiff bringing firearm to the workplace, and where report assessed plaintiff as “Moderate Risk Potential for targeted workplace violence” (quoting agency’s declaration)); Sussman v. USMS, 734 F. Supp. 2d 138, 140, 143 (D.D.C. 2010) (concluding that “information provided by a third-party individual that could pose a potential threat to a judge” was properly withheld, where plaintiff was seeking records from agency about himself, and agency had previously conducted threat investigation regarding plaintiff (quoting agency’s declaration)); Amuso v. DOJ, 600 F. Supp. 2d 78, 101-02 (D.D.C. 2009) (determining that agency’s declaration, which “establish[ed] that plaintiff was ‘a ruling figure of the Luchese LCN Family’ whose ‘organized crime involvement includes narcotics, labor racketeering, murder, and extorting kickbacks,’” was sufficient to conclude the agency properly withheld information relating to informants and cooperating witnesses); Shores v. FBI, 185 F. Supp. 2d 77, 85 (D.D.C. 2002) (approving nondisclosure of names of, and identifying information about, cooperating witnesses when information obtained from one such witness led to plaintiff’s murder conviction and “prompted [p]laintiff to attempt to have a member of that witness’ family murdered”); Blanton v. DOJ, 182 F. Supp. 2d 81, 87 (D.D.C. 2002) (protecting identities of FBI special agents and non-law enforcement personnel assisting in investigation, because “[e]ven though [plaintiff] is incarcerated, his threats against persons responsible for his arrest and now his conviction make it possible that these individuals could be targets of physical harm”), aff’d per curiam, 64 F. App’x 787 (D.C. Cir. 2003); cf. Stahl, 2021 WL 1163154, at *5 (determining that “[a]lthough [the inmate who was the subject of the request] was not the requester . . . [t]he Court cannot ignore that [the inmate] helped orchestrate a terrorist attack that killed six people and sought to kill thousands more . . . [,] has connections to international terrorist organizations [, and] [r]eleasing the names and titles of the staff in the video could reasonably be expected to expose them to retaliation or reprisals”).

²¹ See Elec. Priv. Info. Ctr. v. DHS, 777 F.3d 518, 525 (D.C. Cir. 2015).

²² Id. at 520, 522.

²³ Id. at 522.

individual.”²⁴ The D.C. Circuit found that the government had identified a group of people who were most likely to be at risk if the protocol were to be used during an emergency, such as the threat of a remote detonation of a bomb.²⁵

In a similarly broad application of the phrase “any individual,” Exemption 7(F) has been used to protect information regarding seized contraband and information concerning U.S. Customs and Border Protection’s employees involved in the seizure, storage, and evaluation of the contraband.²⁶ Applying Exemption 7(F), the District Court for the District of Columbia reasoned that the release of this information could place at risk innocent third parties located in the vicinity of U.S. Customs officials, activities, or the seized contraband.²⁷ Likewise, one court applied Exemption 7(F) to protect the company names of private security contractors operating in concert with U.S. military forces in Iraq.²⁸ In that case, the court accepted the government’s specific “assessment that disclosure of the [private security contractors’] company names might very well be expected to endanger the life or safety of military personnel, [private security contractors’] employees, and civilians of Iraq.”²⁹

By contrast, protection was denied by the Court of Appeals for the Second Circuit in ACLU v. DOD,³⁰ where the court held that “in order to justify withholding documents under exemption 7(F), an agency must identify at least one individual with reasonable specificity and establish that disclosure of the documents could reasonably be expected to endanger that individual.”³¹ The Second Circuit declined to “shape the precise contours

²⁴ Id. at 525 (concluding that “Congress contemplated protection beyond a particular individual who could be identified before the fact”).

²⁵ Id. at 524 (noting that “the Department does not point to a ‘particularized threat to a discrete population,’ . . . but rather maintains its non-production falls within Exemption 7(F) because release of [the protocol] would endanger anyone in the United States who happens to be near an unexploded bomb or frequents high value targets”).

²⁶ See Peter S. Herrick’s Customs & Int’l Trade Newsl. v. CBP, No. 04-00377, 2006 WL 1826185, at *9 (D.D.C. June 30, 2006).

²⁷ Id. (citation omitted).

²⁸ See L.A. Times Commc’ns, LLC v. Dep’t of the Army, 442 F. Supp. 2d 880, 898-900 (C.D. Cal. 2006).

²⁹ Id. at 900.

³⁰ 543 F.3d 59 (2d Cir. 2008), cert. granted, vacated & remanded on other grounds, 558 U.S. 1042 (2009).

³¹ Id. at 71 (holding that Exemption 7(F) could not be used to bar disclosure of photographs depicting treatment of prisoners because class of individuals who could reasonably be expected to be endangered by release of photographs had not been clearly defined). But see Elec. Priv. Info. Ctr. v. DHS, 777 F.3d 518, 525 (D.C. Cir. 2015) (distinguishing ACLU on

of the exemption,” but found that it did not apply to “some unspecified member of a group so vast as to encompass all United States troops, coalition forces, and civilians in Iraq and Afghanistan.”³²

Finally, while courts generally defer to an agency’s assessment of harm,³³ courts nevertheless require agency declarations to demonstrate that there is a sufficient nexus between the harm articulated by an agency and disclosure of the withheld information.³⁴

basis that while “[e]xactly who will be passing near an unexploded bomb when it is triggered somewhere in the United States may often be unknowable beyond a general group or method of approach, . . . the critical emergency itself provides a limit”).

³² ACLU, 543 F.3d at 71, cert. granted, vacated & remanded on other grounds, 558 U.S. 1042 (2009) (directing lower court to reconsider in light of Section 565 of Department of Homeland Security Appropriations Act of 2010, also known as Protected National Security Documents Act of 2009, Pub. L. 111-83 § 565, 123 Stat. 2142 (2009), which bars release of certain photographs pertaining to “treatment of individuals engaged, captured or detained” by Armed Forces in specified time period).

³³ See, e.g., Gonzalez v. USCIS, 475 F. Supp. 3d 334, 353 (S.D.N.Y. 2020) (finding that “[t]he Government’s assessment that disclosure of [specified material] would result in danger to [agency] employees and third parties is entitled to deference in this matter”); Pinson v. DOJ, 396 F. Supp. 3d 66, 83 (D.D.C. 2019) (finding that “there is a reasonable expectation of endangerment” and deferring to the agency’s “expertise in assessing the plausible danger”); Sandoval v. DOJ, 296 F. Supp. 3d 1, 20 (D.D.C. 2017) (“[d]eferring to the agency’s prediction of harm that could occur to individuals who provided the FBI with information” and finding names appropriately withheld); Pinson v. DOJ, 199 F. Supp. 3d 203, 216-17 (D.D.C. 2016) (giving credit to declaration written “[b]ased on the Bureau’s collective experience” and finding appropriate withholding of third-party inmate central files even when provided with third-party releases based on agency’s assessment of danger to inmates); Sanchez-Alaniz v. BOP, No. 13-1812, 2016 WL 1222214, at *7 (D.D.C. Mar. 28, 2016) (noting that “[w]ithin limits, courts defer to the agency’s assessment of danger”); Miller v. DOJ, 562 F. Supp. 2d 82, 124 (D.D.C. 2008) (noting that “[w]ithin limits, the Court defers to the agency’s assessment of danger”); Garcia v. DOJ, 181 F. Supp. 2d 356, 378 (S.D.N.Y. 2002) (noting that “[i]n evaluating the validity of an agency’s invocation of Exemption 7(F), the court should ‘within limits, defer to the agency’s assessment of danger’” (quoting Linn v. DOJ, No. 92-1406, 1995 WL 631847, at *9 (D.D.C. Aug. 22, 1995))).

³⁴ See, e.g., Williams v. DOJ, No. 19-0104, 2023 WL 2424738, at *4 (D.D.C. Mar. 9, 2023) (noting that courts “‘have inquired whether or not there is a nexus between disclosure and possible harm and whether the deletions were narrowly made to avert the possibility of such harm’” (quoting Berard v. BOP, 209 F. Supp. 3d 167, 174 (D.D.C. 2016))) (appeal pending); Sabra v. CBP, No. 20-681, 2023 WL 1398473, at *11 (D.D.C. Jan. 31, 2023) (same) (appeal pending); Nat’l Pub. Radio v. FBI, 539 F. Supp. 3d 1, 9-10 (D.D.C. 2021) (granting motion for reconsideration after defendant supplemented its initial “generalized and conclusory” declarations with more reasonably detailed justifications of harms that could be caused by disclosure); Sluss v. DOJ, No. 17-00064, 2019 WL 2493447, at *7 (D.D.C. June 14, 2019) (finding defendant’s declaration insufficient where explanation “devote[d] little attention to

In cases where agency declarations are lacking sufficient explanation for the withholding, courts will sometimes undertake an in camera review to determine whether application of Exemption 7(F) is appropriate.³⁵

explaining the risk of harm [p]laintiff would face from disclosure”); Allen v. BOP, No. 16-0708, 2019 WL 498804, at *7 (D.D.C. Feb. 8, 2019) (rejecting agency’s use of Exemption 7(F) when “[t]he declarant does not explain . . . how release of [certain] information pertaining to plaintiff potentially endangers the life or physical safety of any individual”); Kansas ex rel. Schmidt v. DOD, 320 F. Supp. 3d 1227, 1246 (D. Kan. 2018) (denying agency summary judgment, in part, because supporting declaration failed to show how disclosure of information concerning law enforcement financial costs “would put anyone’s life or physical safety in danger”); Raher v. BOP, No. 09-526, 2011 WL 2014875, at *10 (D. Or. May 24, 2011) (granting partial summary judgment in favor of plaintiff because BOP failed to explain how “‘staffing patterns,’ ‘institution operations,’ ‘offender accountability techniques’ and ‘institution accountability techniques’ raise any security concerns” (quoting agency declaration)); Banks v. DOJ, 700 F. Supp. 2d 9, 18 (D.D.C. 2010) (denying agency summary judgment because supporting declaration failed to show “‘some nexus between disclosure and possible harm’ to . . . third parties” (quoting Linn, 1995 WL 631847, at *8)); Laws’ Comm. for C.R. v. Dep’t of the Treasury, No. 07-2590, 2009 WL 1299821, at *5-6 (N.D. Cal. May 11, 2009) (finding that prior declarations contained “conclusory, unsupported speculation” that failed to provide “court with sufficient information to understand the basis” for withholdings, but that current declaration “provides sufficient *non-conclusory* reasons” and detailed information entitling agency to categorically withhold information pursuant to Exemption 7(F)); El Badrawi v. DHS, 583 F. Supp. 2d 285, 319 (D. Conn. 2008) (ordering in camera review and explaining that “[e]ven where national security implications are involved, the court must have sufficient information to review the agency’s withholdings de novo” (citing Halpern v. FBI, 181 F.3d 279, 295 (2d. Cir. 1999))).

³⁵ See, e.g., Koltys v. Wolf, No. 22-655, 2022 WL 2784434, at *7 n.5 (C.D. Cal. June 7, 2022) (indicating that court reviewed report at issue in camera, and noting that “the report’s ‘relative brevity’ made this case ‘an appropriate instance for in camera inspection’”) (internal citation omitted); Anderson v. BOP, 806 F. Supp. 2d 121, 128 (D.D.C. 2011) (indicating that the Court reviewed withheld information in camera and agreed with agency regarding the application of Exemption 7(F), further noting that “[the Court] is not in a position to second-guess [agency]’s valid assertion that disclosure could reasonably be expected to endanger the life or physical safety of an individual”); Quinto v. DOJ, 711 F. Supp. 2d 1, 8 (D.D.C. 2010) (concluding that review of documents showed “sufficient nexus between [documents]’ disclosure and possible harm to . . . third parties”); Mosby v. Hunt, No. 09-1917, 2010 WL 1783536, at *4 (D.D.C. May 5, 2010) (granting plaintiff’s motion for in camera review of redacted memorandum on prisoner transfer because of “apparent paucity of material at issue”).