

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
5 U.S.C. app. § 107(a)(2)	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500- 02 (9th Cir. 1992); Boyd v. Exec. Off. for U.S. Attys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	EOUSA	1	1
8 U.S.C. § 1202(f)	Certain records pertaining to the issuance or refusal of visas to enter the United States	Medina-Hincapie v. Dep't of State, 700 F.2d 737, 741-42 (D.C. Cir. 1983); De Laurentiis v. Haig, 686 F.2d 192, 194 (3d Cir. 1982); Assadi v. Dep't of State, No. 12-1111, 2014 WL 4704840, at *6-7 (S.D.N.Y. Sept. 19, 2014); Badalamenti v. U.S. Dep't of State, 899 F. Supp. 542, 547 (D. Kan. 1995).	DEA	1	4
			FBI	2	
			OCDETF	1	

10 U.S.C. § 130(a)	Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"	Newport Aeronautical Sales v. Dep't of the Air Force, 684 F.3d 160, 167-68 (D.C. Cir. 2012); Chenkin v. Dep't of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (M.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).	FBI	3	3
10 U.S.C. § 130b	Personally identifiable information pertaining to "any member of the armed forces assigned to an overseas unit, a sensitive unit, or a routinely deployable unit" and "any employee of the Department of Defense or of the Coast Guard whose duty station is with any such unit"	Freedom Watch, Inc. v. NSA, 197 F. Supp. 3d 165, 174 (D.D.C. 2016); Hiken v. DOD, 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); O'Keefe v. DOD, 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); Windel v. United States, No. A02-306, 2005 WL 846206, at *2 (D. Alaska Apr. 11, 2005).	FBI	2	3
			OCDETF	1	

10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	ACLU v. DOD, 389 F. Supp. 2d 547, 553-54 (S.D.N.Y. 2005); Nat'l Inst. of Mil. Just. v. DOD, 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), aff'd on other grounds, 512 F.3d 677 (D.C. Cir. 2008); Gerstein v. DOD, No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).	DEA	3	5
			FBI	2	
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	Hamdan v. DOJ, 797 F.3d 759, 776 (9th Cir. 2015); Freedom Watch, Inc. v. NSA, 197 F. Supp. 3d 165, 174 (D.D.C. 2016); Wickwire Gavin, P.C. v. Def. Intel. Agency, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	FBI	6	8
			OIP	2	
10 U.S.C. § 3309 (formerly at 10 U.S.C. § 2305(g))	Certain contractor proposals	Roman v. NSA, Nos. 09-2947, 09-4281, 09-3344, 09-2504, 09-5633, 2012 WL 569747, at *7 (E.D.N.Y. Feb. 22, 2012); Margolin v. NASA, No. 09-CV-00421-LRHVPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011).	EOUSA	1	2
			FBI	1	

13 U.S.C. § 301(g)	Certain shippers' export declarations or successor documents	Afr. Fund v. Mosbacher, No. 92 Civ. 289, 1993 WL 183736, at *5 (S.D.N.Y. May 26, 1993); Young Conservative Found., Inc. v. U.S. Dep't of Commerce, No. 85-3982, 1987 WL 9244, at *2-3 (D.D.C. Mar. 25, 1987).	FBI	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.	N/A	Antitrust	24	24
15 U.S.C. § 1314(g)	"Any documentary material, answers to written interrogatories, or transcripts of oral testimony" provided pursuant to certain civil investigative demands pertaining to antitrust investigations	Motion Picture Ass'n of Am. v. DOJ, No. 80 Civ. 6612, slip op. at 1 (S.D.N.Y. Oct. 6, 1981).	Antitrust	3	4
			FBI	1	

54 U.S.C. § 100707 (formerly at 16 U.S.C. § 5937)	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"	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03- 5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004); Sw. Ctr. for Biological Diversity v. USDA, 170 F. Supp. 2d 931, 945 (D. Ariz. 2000), aff'd, 314 F.3d 1060, 1062 (9th Cir. 2002); Pease v. U.S. Dep't of Interior, No. 1:99CV113, slip op. at 2, 4 (D. Vt. Sept. 17, 1999).	FBI	1	1
18 U.S.C. § 4208(c)	Certain records pertaining to parole determination proceedings	DOJ v. Julian, 486 U.S. 1, 9 (1988).	FBI	2	2

18 U.S.C. § 798	Certain classified information pertaining to the communication intelligence and cryptographic devices of the United States or any foreign government	Larson v. Dep't of State, 565 F.3d 857, 868-69 (D.C. Cir. 2009); N.Y. Times Co. v. DOJ, No. 14 Civ 03776, 2016 WL 5946711, at *6 (S.D.N.Y. Aug. 18, 2016); Adejumbi v. NSA, No. 07-1237, 2007 WL 4247878, at *3 (M.D. Fla. Dec. 3, 2007), aff'd per curiam, 287 F. App'x 770 (11th Cir. 2008); Winter v. NSA, 569 F. Supp. 545, 546-48 (S.D. Cal. 1983).	FBI	1	1
18 U.S.C. §§ 2510, et seq.	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	Payne v. DOJ, No. 96-30840, 1997 WL 450139, at *3 (5th Cir. July 11, 1997); Lam Lek Chong v. DEA, 929 F.2d 729, 732-33 (D.C. Cir. 1991).	Criminal	2	81
			DEA	8	
			FBI	71	
18 U.S.C. § 3123(d)	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"	Labow v. DOJ, 831 F.3d 523, 527-28 (D.C. Cir. 2016); ACLU v. DOJ, 2014 WL 4954121, at *11 (N.D. Cal. Sept. 30, 2014); Manna v. DOJ, 815 F. Supp. 798, 812 (D.N.J. 1993), aff'd on other grounds, 51 F.3d 1158 (3d Cir. 1995).	DEA	5	55
			FBI	50	

18 U.S.C. § 3509(d)	Certain records containing identifying information pertaining to children involved in criminal proceedings	Corley v. DOJ, 998 F.3d 981, 982-85 (D.C. Cir. 2021).	Criminal	1	79
			EOUSA	4	
			FBI	74	
18 U.S.C. § 3521(b)(1)(g)	"[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	Bonadonna v. DOJ, 791 F. Supp. 2d 269, 270 (D. Mass. 2010), aff'd, No. 10 1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).	Criminal	3	23
			FBI	2	
			USMS	18	
18 U.S.C. § 5038(a)	Records of juvenile delinquency proceedings	Lavado v. DEA, No. 90-5262, 1991 WL 119586, at *1 (D.C. Cir. June 28, 1991).	FBI	17	17

26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Nosal v. IRS, 523 F. Supp. 3d 72, 79 (D.D.C. 2021); Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Priv. Info. Ctr. v. IRS, 910 F.3d 1232, 1237 (D.C. Cir. 2018); Leonard v. U.S. Dep't of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105).	ATF	188	237
			EOUSA	1	
			FBI	24	
			TAX	24	
31 U.S.C. § 3730(b)(2)	Records pertaining to civil actions for false claims against the United States Government	N/A	Civil	1	1
31 U.S.C. § 5319	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	Yunes v. DOJ, 263 F. Supp. 3d 82, 87 (D.D.C. 2017); Council on Am.-Islamic Rels., Cal. v. FBI, 749 F. Supp. 2d 1104, 1117 (S.D. Cal. 2010); Berger v. IRS, 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), affd on other grounds, 288 F. App'x 829 (3d Cir. 2008).	DEA	2	43
			FBI	39	
			OCDETF	2	

39 U.S.C. § 410(c)(2)	Commercial information which would not be disclosed under good business practice	Wickwire Gavin, P.C. v. USPS, 356 F.3d 588, 589, 597 (4th Cir. 2004); Am. Postal Workers Union, AFL-CIO v. USPS, 742 F. Supp. 2d 76, 81-83 (D.D.C. 2010); Reid v. USPS, No. 05-294, 2006 WL 1876682, at *5-9 (S.D. Ill. July 5, 2006); Robinett v. USPS, No. 02-1094, 2002 WL 1728582, at *5 (E.D. La. July 24, 2002).	Civil	1	2
			FBI	1	
41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	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	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09- CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	BOP	42	58
			DEA	2	
			JMD	12	
			USMS	2	

41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))	Contractor bid or proposal information; source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	BOP	10	11
			Civil	1	
42 U.S.C. § 300aa- 12(d)(4)(A)	"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"	Long v. DOJ, 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011).	Civil	9	9
42 U.S.C. § 2000g-2b	Conciliation assistance data received by the Community Relations Service	N/A	CRS	12	14
			OIP	2	
34 U.S.C. § 10231 (formerly at 42 U.S.C. § 3789g)	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	N/A	OJP	1	1
42 U.S.C. § 14132(b)(3)	Certain "stored DNA samples and DNA analyses"	Moore v. Nat'l DNA Index System, 662 F. Supp. 2d 136, 140 (D.D.C. 2009).	FBI	2	2

50 U.S.C. § 3605 (formerly at 50 U.S.C. § 402 note)	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Elec. Priv. Info. Ctr. v. NSA, 678 F.3d 926, 931 (D.C. Cir. 2012); Houghton v. NSA, 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); Lahr v. NTSB, 569 F.3d 964, 985 (9th Cir. 2009).	FBI	2	5
			OCDETF	1	
			OIP	1	
			OLC	1	
50 U.S.C. § 3507 (formerly at 50 U.S.C. § 403g)	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"	Assassination Archives & Rsch. Ctr. v. CIA, No. 18-5280, 2019 WL 691517 (D.C. Cir. Feb. 15, 2019) (per curiam); ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Berman v. CIA, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); Makky v. Chertoff, 489 F. Supp. 2d 421, 442 (D.N.J. 2007), aff'd on other grounds, 541 F. 3d 205 (3d Cir. 2008).	FBI	4	5
			OLC	1	

50 U.S.C. § 3024(i)(1) (formerly at 50 U.S.C. § 403-1(i)(1))	Intelligence sources and methods	CIA v. Sims, 471 U.S. 159, 167 (1985).	Criminal	1	1126
			FBI	1118	
			JMD	1	
			OCDETF	1	
			OIP	3	
			OLC	2	
50 U.S.C. § 3141(a) (formerly at 50 U.S.C. § 431)	[O]perational files of the Central Intelligence Agency	CIA v. Sims, 471 U.S. 159, 167, 174 n.19 (1985) (dictum); Wolf v. CIA, 569 F. Supp. 2d 1, 8 (D.D.C. 2008).	FBI	1	1
50 U.S.C. § 1702(a)(1)	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"	Wis. Project on Nuclear Arms Control v. U.S. Dep't of Com., 317 F.3d 275, 284 (D.C. Cir. 2003).	Civil	1	4
			FBI	3	

John S. McCain National Defense Authorization Act for Fiscal Year 2019, P.L. 115-232 (formerly at 50 U.S.C. § 4614(c)(1))	Information pertaining to license applications under the Export Administration Act	Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce, 317 F.3d 275, 284 (D.C. Cir. 2003); Times Publ'g Co. v. U.S. Dep't of Commerce, 236 F.3d 1286, 1292 (11th Cir. 2001); Lessner v. U.S. Dep't of Commerce, 827 F.2d 1333, 1336-37 (9th Cir. 1987).	FBI	1	1
Fed. R. Crim. P. 6(e)	Certain records that would reveal some secret aspect pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Sorin v. DOJ, No. 18-99, 2018 WL 6431027 (2d Cir. Dec. 6, 2018) (per curium); Widi v. McNeil, No. 12-CV-00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Att'y Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	ATF	8	467
			Civil Rights	1	
			Criminal	2	
			EOUSA	95	
			FBI	347	
			JMD	4	
			NSD	6	
			OIG	4	
5 U.S.C. § 13107 (formerly at 5 U.S.C. app § 105)	Financial disclosure reports and applications to inspect financial disclosure reports	N/A	ENRD	1	2
			EOUST	1	

5 U.S.C. § 407 (formerly at 5 U.S.C. app. 3 § 7(b))	Names of employees who provide information or complaints to the Inspector General	Wash. Post Co. v. Special Inspector Gen. for Afg Reconstr., 486 F. Supp. 3d 141, 166 (D.D.C. 2020).	OIG	1	1
6 U.S.C. § 1504(d)(3)(B)	A cyber threat indicator or defensive measure shared with the federal government under the Cybersecurity Information Sharing Act of 2015	N/A	FBI	8	8
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”	Seife v. NIH, 874 F. Supp. 2d 248, 256 (S.D.N.Y. 2012).	EOUSA	1	1

50 U.S.C. § 3024(m)	Information pertaining to ODNI personnel	N/A	OIP	4	4
Pub. L. No. 108-447, 118 Stat. 2809, 2859-60; Pub. L. No. 110-161, 121 Stat. 1844, 1903-04; Pub. L. No. 112-55, 125 Stat. 552, 609-10	Certain firearms database information	City of Chi. v. U.S. Dep't of the Treasury, 423 F.3d 777, 781-82 (7th Cir. 2005); P.W. Arms, Inc. v. United States, No. 15-1990-JCC, 2017 WL 319250, at *4 (W.D. Wash. Jan. 23, 2017); Williams v. ATF, No. PWG-15-1969, 2017 WL 3978580, at *5-6 (D. Md. Sept. 8, 2017); Abdeljabbar v. ATF, 74 F. Supp. 3d 158, 173 (D.D.C. 2014).	ATF	172	173
			EOUSA	1	
Treaty Between the Government of the United States of America and the Republic of Korea on Mutual Assistance in Criminal Matters, S. Kor.-U.S., Nov. 23, 1993, S. TREATY DOC. NO. 104-1 (1995)	Evidence obtained by way of a treaty with a confidentiality clause	Dongkuk Int'l, Inc. v. U.S. Dep't of Just., 204 F. Supp. 3d 18, 28 (D.D.C. 2016).	Criminal	1	1

Treaty Between the Government of the United States of America and the Russian Federation on Mutual Assistance in Criminal Matters, U.S.-Russ., Jun. 17, 1999, S.TREATY DOC. NO. 106-22 (2000)	Evidence obtained by way of a treaty with a confidentiality clause	N/A	Criminal	1	1
---	--	-----	----------	---	---