

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) (Ethics in Government Act of 1978)	Financial disclosure information pertaining to certain government employees	<i>Meyerhoff v. EPA</i> , 958 F.2d 1498, 1500-02 (9th Cir. 1992); <i>Seife v. NIH</i> , 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012); <i>Concepcion v. FBI</i> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009), renewed motion for summary judgment granted in part on other grounds, 699 F. Supp. 2d 106 (D.D.C. 2010); <i>Glascoe v. DOJ</i> , No. 04-0486, 2005 WL 1139269, at *1 (D.D.C. May 15, 2005).	EOUSA	6	6
8 U.S.C. § 1202(f) (Immigration and Nationality Act)	Certain records pertaining to the issuance or refusal of visas to enter the United States	<i>Medina-Hincapie v. Dep't of State</i> , 700 F.2d 737, 741-42 (D.C. Cir. 1983); <i>DeLaurentiis v. Haig</i> , 686 F.2d 192, 194 (3d Cir. 1982); <i>Assadi v. Dep't of State</i> , No. 12-1111, 2014 WL 4704840, at *6 (S.D.N.Y. Sept. 19, 2014); <i>Beltranena v. U.S. Dep't of State</i> , 821 F. Supp. 2d 167, 177-78 (D.D.C. 2011); <i>Badalamenti v. U.S. Dep't of State</i> , 899 F. Supp. 542, 547 (D. Kan. 1995); <i>Jan-Xin Zang v. FBI</i> , 756 F. Supp. 705, 711-12 (W.D.N.Y. 1991); <i>Smith v. DOJ</i> , No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13- 14 (N.D.N.Y. Dec. 13, 1983).	FBI	3	3

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
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"	<i>Newport Aeronautical Sales v. Dep't of the Air Force</i> , 684 F.3d 160, 165 (D.C. Cir. 2012); <i>Chenkin v. Dep't of the Army</i> , No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), <i>aff'd</i> , 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).	FBI	1	1
10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	<i>Nat'l Inst. of Military Justice v. DOD</i> , 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), <i>aff'd on other grounds</i> , 512 F.3d 677 (D.C. Cir. 2008); <i>ACLU v. DOD</i> , 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); <i>Gerstein v. DOD</i> , No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).	FBI	1	1
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	<i>Physicians for Human Rights v. DOD</i> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <i>Miller v. DOJ</i> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	FBI	4	4
10 U.S.C. § 1102 (National Defense Authorization Act for Fiscal Year 1987)	Medical quality assurance records	<i>Goodrich v. Dep't of the Air Force</i> , 404 F. Supp. 2d 48, 50-51 (D.D.C. 2005); <i>Dayton Newspapers, Inc. v. Dep't of the Air Force</i> , 107 F. Supp. 2d 912, 917 (S.D. Ohio 1999).	EOUSA	1	2
			FBI	1	

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
10 U.S.C. § 2305(g)	Certain contractor proposals	<i>Roman v. NSA</i> , Nos. 09-2947, 09-4281, 09-3344, 09-2504, 09-5633, 2012 WL 569747, at *7 (E.D.N.Y. Feb. 22, 2012); <i>Margolin v. NASA</i> , No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011).	FBI	1	1
13 U.S.C. §§ 8(b), 9(a) (Census Act)	Certain census data	<i>Baldrige v. Shapiro</i> , 455 U.S. 345, 355 (1982).	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	<i>Lieberman v. FTC</i> , 771 F.2d 32 (2d Cir. 1985).	Antitrust	6	7
			FBI	1	
15 U.S.C. § 1314(g) (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	<i>Motion Picture Ass'n of Am. v. DOJ</i> , No. 80 Civ. 6612, slip op. at 1 (S.D.N.Y. Oct. 6, 1981).	Antitrust	5	6
			FBI	1	

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
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	<i>Larson v. Dep't of State</i> , 565 F.3d 857, 868-69 (D.C. Cir. 2009); <i>ACLU v. ODNI</i> , No. 10-4419, 2012 WL 1117114, at *4 (S.D.N.Y. Mar. 30, 2012); <i>Adejumobi v. NSA</i> , No. 07-1237, 2007 WL 4247878, at *3 (M.D. Fla. Dec. 3, 2007), <i>aff'd per curiam</i> , 287 F. App'x 770 (11th Cir. 2008); <i>Gilmore v. NSA</i> , No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at *26-27 (N.D. Cal. May 3, 1993); <i>Winter v. NSA</i> , 569 F. Supp. 545, 546-48 (S.D. Cal. 1983).	Office of the AG	1	3
			Office of the DAG	1	
			FBI	1	
18 U.S.C. §§ 2510-20 (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	<i>Mendoza v. DEA</i> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <i>Lam Lek Chong v. DEA</i> , 929 F.2d 729, 733 (D.C. Cir. 1991); <i>Payne v. DOJ</i> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	Criminal	4	110
			DEA	45	
			EOUSA	6	
			FBI	54	
			Office of the AG	1	

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
18 U.S.C. § 3123(d) (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"	<i>Labow v. DOJ</i> , No. 11-1256, 2014 WL 4368954 at *8 (D.D.C. Sept. 4, 2014); <i>Stephens v. DOJ</i> , 26 F. Supp. 3d 59, 68 (D.D.C. 2014); <i>Jennings v. FBI</i> , No. 03-1651, slip op. At 11-12 (D.D.C. May 6, 2004); <i>Manna v. DOJ</i> , 815 F. Supp. 798, 812 (D.N.J. 1993), <i>aff'd on other grounds</i> , 51 F.3d 1158 (3d Cir. 1995).	BOP	1	63
			DEA	11	
			EOUSA	7	
			FBI	44	
18 U.S.C. § 3153	Information regarding pre-trial services	N/A	EOUSA	14	14
18 U.S.C. § 3509(d) (Federal Victims' Protection and Rights Act)	Certain records containing identifying information pertaining to children involved in criminal proceedings	<i>Davis v. U.S. Postal Inspection Serv.</i> , No. 13-01972, 2014 WL 7014877, at *3 (D.D.C. Dec. 15, 2014); <i>Rodriguez v. U.S. Dep't of Army</i> , 31 F. Supp. 3d 218, 236-37 (D.D.C. 2014).	EOUSA	7	24
			FBI	17	
18 U.S.C. § 3521(b)(1)(g) (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.	<i>Bonadonna v. DOJ</i> , 791 F. Supp. 2d 269, 270 (D. Mass. 2010), <i>aff'd</i> , No. 10-1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).	BOP	3	9
			Criminal	2	
			FBI	3	
			USMS	1	

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
18 U.S.C. § 4208(c) (Parole Commission and Reorganization Act)	Certain records pertaining to parole determination proceedings	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988).	FBI	2	2
18 U.S.C. § 5038	Juvenile arrest records	N/A	FBI	2	2
22 U.S.C. § 3104(c) (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	<i>Young Conservative Found., Inc. v. U.S. Dep't of Commerce</i> , No. 85-3982, 1987 WL 9244, at *3-4 (D.D.C. Mar. 25, 1987).	FBI	1	1
26 U.S.C. §§ 6103, 6105 (Internal Revenue Code)	Certain tax return information and certain tax convention information	<i>Church of Scientology v. IRS</i> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <i>Pac. Fisheries, Inc. v. IRS</i> , 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); <i>Leonard v. U.S. Dep't of Treasury</i> , No. 10-6625, 2013 WL 4517912 at *2 (D.N.J. Aug. 26, 2013) (26 U.S.C. § 6103); <i>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	ATF	37	117
			BOP	12	
			DEA	3	
			FBI	50	
			JMD	2	
			Tax	13	

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
31 U.S.C. § 3730	Records pertaining to civil actions for false claims against the United States Government	N/A	EOUSA	8	8
31 U.S.C. § 5319 (Bank Secrecy Act)	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	<i>Ortiz v. DOJ</i> , No. 12-1674, 2014 WL 4449686, at *4 (D.D.C. Sept 9, 2014); <i>Rosenberg v. ICE</i> , 13 F. Supp. 3d 92, 114-15 (D.D.C. 2014); <i>Hulstein v. DEA</i> , No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <i>Council on Am. - Islamic Relations, Cal. v. FBI</i> , 749 F. Supp. 2d 1104, 1117 (S.D. Cal. 2010); <i>Berger v. IRS</i> , 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), <i>aff'd on other grounds</i> , 288 F. App'x 839 (3d Cir. 2008).	DEA	3	20
			EOUSA	2	
			FBI	14	
			USNCB	1	
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	<i>Schulte & Sun-Sentinel Co. v. VA</i> , No. 86-6251, slip op. at 3-4, 12 (S.D. Fla. Feb. 2, 1996).	FBI	1	1

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
41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702(b))	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	<i>Sinkfield v. HUD</i> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Margolin v. NASA</i> , No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <i>summary affirmance granted</i> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	BOP	2	5
			JMD	3	
41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1)) (Procurement Integrity Act)	Contractor bid or proposal information; source selection information	<i>Legal & Safety Employer Research, Inc. v. U.S. Dep't of Army</i> , No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	BOP	6	6
42 U.S.C. § 300aa-12(d)(4)(A) (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"	<i>Long v. DOJ</i> , 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011).	Civil	1	1

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
42 U.S.C. § 2000g-2(b)	Conciliation assistance data received by the Community Relations Service	N/A	CRS	1	1
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	N/A	OJP	9	9
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	<i>Skurow v. DHS</i> , No. 11-1296, 2012 WL 4380895, at *9-10 (D.D.C. Sept. 26, 2012); <i>Tooley v. Bush</i> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <i>aff'd on other grounds</i> , 586 F.3d 1006 (D.C. Cir. 2009); <i>Gordon v. FBI</i> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	FBI	3	3
50 U.S.C. app. § 2411(c)	Information pertaining to license applications under the Export Administration Act	<i>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</i> , 317 F.3d 275, 284 (D.C. Cir. 2003); <i>Times Publ'g Co. v. U.S. Dep't of Commerce</i> , 236 F.3d 1286, 1292 (11th Cir. 2001); <i>Lessner v. U.S. Dep't of Commerce</i> , 827 F.2d 1333, 1336-37 (9th Cir. 1987).	ATF	1	1

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
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	<i>ACLU v. DOJ</i> , 681 F.3d 61, 72-75 (2d Cir. 2012); <i>Elec. Priv. Info. Ctr. v. NSA</i> , 678 F.3d 926, 931 (D.C. Cir. 2012); <i>Houghton v. NSA</i> , 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); <i>Lahr v. NTSB</i> , 569 F.3d 964, 985 (9th Cir. 2009); <i>Larson v. Dep't of State</i> , 565 F.3d 857, 868-69 (D.C. Cir. 2009); <i>Founding Church of Scientology v. NSA</i> , 610 F.2d 824, 827-28 (D.C. Cir. 1979); <i>Roman v. NSA</i> , No. 07-CV-4502, 2009 WL 303686, at *5-6 (E.D.N.Y. Feb. 9, 2009), <i>summary affirmance granted</i> , 354 F. App'x. 591 (2d Cir. 2009).	FBI	7	9
			OPR	2	
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	<i>CIA v. Sims</i> , 471 U.S. 159, 167 (1985); <i>ACLU v. DOJ</i> , 681 F.3d 61, 72-75 (2d Cir. May 21, 2012); <i>ACLU v. DOD</i> , 628 F.3d 612, 619, 626 (D.C. Cir. 2011); <i>Berman v. CIA</i> , 501 F. 3d 1136, 1137-38, 1140 (9th Cir. 2007).	Office of the AG	1	763
			Office of the DAG	2	
			BOP	2	
			FBI	757	
			OLC	1	

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
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"	<i>ACLU v. DOJ</i> , 681 F.3d 61, 72-75 (2d Cir. 2012); <i>Larson v. Dep't of State</i> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 2250 (9th Cir. 2007); <i>Makky v. Chertoff</i> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <i>aff'd on other grounds</i> , 541 F. 3d 205 (3d Cir. 2008).	FBI	44	48
			OIP	2	
			OPR	2	
50 U.S.C. § 432a (currently at 50 U.S.C. § 3143)	Operational files of the National Reconnaissance Office	<i>Aftergood v. National Reconnaissance Office</i> , 441 F. Supp. 2d 37, 46 (D.D.C. 2006).	FBI	1	1

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
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	<i>Sussman v. USMS</i> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <i>Fund of Constitutional Gov't v. Nat'l Archives & Records Serv.</i> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <i>Durham v. U.S. Atty. Gen.</i> , No. 06- 843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <i>Cozen O'Connor v. U.S. Dep't of Treasury</i> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	Office of the AG	2	674
			Office of the DAG	1	
			Office of the Assoc. AG	1	
			Antitrust	4	
			BOP	1	
			Civil Rights	6	
			Criminal	1	
			DEA	7	
			ENRD	1	
			EOUSA	225	
			FBI	417	
			NSD	6	
OPR	2				

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
Fed. R. Crim. P. 32, enacted by Act of July 30, 1975, Pub. L. No. 94-64, § 2, 89 Stat. 370	Presentence reports and recommendations	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988).	BOP	77	100
			EOUSA	22	
			FBI	1	
Pub. L. No. 108-447, 118 Stat. 2809, 2859-60 (Consolidated Appropriations Act, 2005) Pub. L. No. 110-161, 121 Stat. 1844, 1903-904 (Consolidated Appropriations Act, 2008)	Certain firearms database information	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777, 781-82 (7th Cir. 2005); <i>Abdeljabbar v. ATF</i> , No. 13-cv-0330, 2014 WL 6478794, at *9-11 (D.D.C. Nov. 20, 2014); <i>Singh v. FBI</i> , 574 F. Supp. 2d 32, 45-46 (D.D.C. 2008).	EOUSA	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	116	117
			FBI	1	

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
<p>Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters, U.S.-U.K., Jan. 6, 1994, S. TREATY DOC. NO. 104-2 (1995)</p>	<p>Information exchanged with foreign government pursuant to a Mutual Legal Assistance Treaty</p>	<p>N/A</p>	<p>Criminal</p>	<p>1</p>	<p>1</p>