

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 |
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| 5 U.S.C. app. 4 § 107(a)(2) (Ethics in Government Act of 1978) | Confidential financial disclosure report pertaining to certain government employees | Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Office for U.S. Attorneys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012). | BOP | 1 | 3 |
| | | | EOUSA | 2 | |
| 5 U.S.C. §§ 7114(b)(4), 7132 (Civil Service Reform Act) | Certain labor relations training and guidance materials | Dubin v. Dep't of Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981) (5 U.S.C. § 7114(b)(4)), aff'd, 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision); NTEU v. OPM, No. 76-695, slip op.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). | EOUSA | 1 | 2 |
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| 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 | 1 | 1 |
| 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. | Medina-Hincapie v. Dep't of State, 700 F.2d 737, 741-42 (D.C. Cir. 1983); DeLaurentiis v. Haig, 686 F.2d 192, 194 (3d Cir. 1982); Assadi v. Dep't of | FBI | 2 | 2 |

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| | | 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); Jan-Xin Zang v. FBI, 756 F. Supp. 705, 711-12 (W.D.N.Y. 1991); Smith v. DOJ, No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983). | | | |
| 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, 168 (D.C. Cir. 2012); Chenkin v. Dep't of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.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 Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).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 | 4 | 4 |
| 10 U.S.C. § 130c | Certain “sensitive information of foreign governments” and certain international organizations | ACLU v. DOD, 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); Nat’l Inst. of Military Justice 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. | FBI | 1 | 1 |

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| | | DOD, No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004). | | | |
| 10 U.S.C. § 424 | Organization or any function of an organization, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National GeospatialIntelligence 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. Intelligence Agency, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004). | FBI | 5 | 5 |
| 10 U.S.C. § 1102(f) (National Defense Authorization Act for Fiscal Year 1987) | Medical quality assurance records created by or for the Department of Defense as part of a medical quality assurance program | Goodrich v. Dep't of the Air Force, 404 F. Supp. 2d 48, 50-51 (D.D.C. 2005); Dayton Newspapers, Inc. v. Dep't of the Air Force, 107 F. Supp. 2d 912, 917 (S.D. Ohio 1999). | FBI | 2 | 2 |
| 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-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011). | FBI | 3 | 3 |
| 13 U.S.C. §§ 8(b), 9(a) (Census Act) | Certain census data | Baldrige v. Shapiro, 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 | Lieberman v. FTC, 771 F.2d 32 (2d Cir. 1985). | Antitrust | 18 | 19 |
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| 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 | Motion Picture Ass’n of Am. v. DOJ, No. 80 Civ. 6612, slip op. at 1 (S.D.N.Y. Oct. 6, 1981). | Antitrust | 2 | 3 |
| | | | FBI | 1 | |
| 15 U.S.C. § 4305(d) | Information submitted under the National Cooperative Research and Production Act of 1993 | N/A | Antitrust | 1 | 1 |
| 15 U.S.C. § 6801 (Gramm-Leach-Bliley Act) | Nonpublic personal information of customers of financial institutions | Hodes v. HUD, 532 F. Supp. 2d 108, 117 (D.D.C. 2008). | FBI | 1 | 1 |
| 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 | Larson v. Dep’t of State, 565 F.3d 857, 868-69 (D.C. Cir. 2009); New York Times Co. v. DOJ, No. 14 Civ 03776, 2016 WL 5946711, at *6 (S.D.N.Y. Aug. 18, 2016); Adejumobi 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); Gilmore v. NSA, No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at *26-27 (N.D. Cal. May 3, 1993); Winter v. NSA, 569 F. Supp. 545, 546-48 (S.D. Cal. 1983). | FBI | 2 | 2 |
| 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 | 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, 733 (D.C. Cir. 1991). | DEA | 20 | 80 |

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| 18 U.S.C. § 3153 | Information regarding pre-trial services | N/A | EOUSA | 2 | 2 |
| 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” | 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 | 6 | 50 |
| | | | EOUSA | 1 | |
| | | | FBI | 43 | |
| 18 U.S.C. § 3509(d) (Federal Victims’ Protection and Rights Act) | Certain records containing identifying information pertaining to children involved in criminal proceedings | Davis v. U.S. Postal Inspection Serv., 75 F. Supp. 3d 425, 430-31 (D.D.C. 2014). | EOUSA | 3 | 33 |
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| 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 | 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). | BOP | 1 | 8 |
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| 18 U.S.C. § 4208(c) (Parole Commission and Reorganization Act) | Certain records pertaining to parole determination proceedings | DOJ v. Julian, 486 U.S. 1, 9 (1988). | EOUSA | 1 | 1 |
| 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 | 19 | 19 |
| 22 U.S.C. § 2778(e) (Arms Export Control Act) | Certain information pertaining to export license applications | Council for a Livable World v. U.S. Dep't of State, 1998 U.S. Dist. LEXIS 23642 at *11 (D.D.C. Jan. 21, 1998), amended (D.D.C. Nov. 23, 1998). | FBI | 2 | 2 |
| 26 U.S.C. §§ 6103, 6105 (Internal Revenue Code) | Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information | Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); 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); Tax Analysts v. IRS, 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105). | ATF | 90 | 163 |
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| 28 U.S.C. § 652(d) | "[C]onfidential dispute resolution communications" | Yelder v. DOD, 577 F. Supp. 2d 342, 346-47 (D.D.C. 2008). | EOUST | 2 | 2 |
| 31 U.S.C. § 3730(b)(2) | Records pertaining to civil actions for false claims against the United States Government | N/A | Civil | 1 | 4 |
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| 31 U.S.C. § 5311 | Records and reports on monetary instruments transactions | N/A | FBI | 5 | 5 |
| 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 | Turner v. Dep't of Treasury, No. 15-00007, 2017 WL 1106030 at *7 (E.D. Cal. Mar. 23, 2017); Yunes v. DOJ, 263 F. Supp. 3d 82, 87 (D.D.C. 2017); Council on Am.-Islamic Relations, 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), aff'd on other grounds, 288 F. App'x 829 (3d Cir. 2008). | DEA | 2 | 10 |
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| 34 U.S.C. § 10231 | Certain research and statistical data obtained pursuant to this section | N/A | OJP | 15 | 15 |
| 38 U.S.C. § 7332 | Records of patients being treated for certain conditions | Palmer v. Derwinski, No. 91-197, slip op. at 3-4 (E.D. Ky. June 10, 1992). | FBI | 2 | 2 |
| 41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))* (Procurement Integrity Act) | Contractor bid or proposal information; source selection information | Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. 0001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum). | BOP | 3 | 3 |
| 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, | BOP | 2 | 4 |

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| | | No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004). | | | |
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| 42 U.S.C. § 300aa12(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” | Long v. DOJ, 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011). | Civil | 12 | 12 |
| 49 U.S.C. § 40119(b) (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 | Pub. Citizen, Inc. v. FAA, 988 F.2d 186, 194 (D.C. Cir. 1993); Gordon v. FBI, 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004). | FBI | 2 | 2 |
| 50 U.S.C. § 1702(a)(1) | Certain information related to emergency seizure of foreign assets by the President | N/A | FBI | 1 | 1 |
| 50 U.S.C. § 3024(i)(1) (formerly at 50 U.S.C. § 403-1(i)(1)) (National Security Act of 1947) | Intelligence sources and methods | CIA v. Sims, 471 U.S. 159, 167 (1985). | OPR | 1 | 1,608 |
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| 50 U.S.C. § 3141(a) (formerly at 50 U.S.C. § 431) (Central Intelligence Agency Information Act of 1984) | “[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. § 3507 (formerly at 50 U.S.C. § 403g) (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” | ACLU v. DOJ, 681 F.3d 61, 72- 75 (2d Cir. 2012); Larson v. Dep’t of State, 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); 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). | OIP | 4 | 56 |
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| 50 U.S.C. § 3605 (formerly at 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 | 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 | 5 | 5 |
| 50 U.S.C. § 4614(c)(1) (formerly at 50 U.S.C. app. § 2411(c)) | Information pertaining to license applications under the Export Administration Act | N/A | FBI | 1 | 1 |
| Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319 | 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); Widi v. McNeil, No. 12-CV00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); | Antitrust | 4 | 1,168 |

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| | | Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008). | | | |
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| | | | EOUSA | 147 | |
| | | | NSD | 8 | |
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| | | | OIP | 493 | |
| Fed. R. Crim. P. 32(c)(3)(A), enacted by Act of July 31, 1975, Pub. L. 94-64, § 2, 89 Stat. 370 | Presentence reports and recommendations | DOJ v. Julian, 486 U.S. 1, 11 (1988). | BOP | 25 | 31 |
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| | | | USMS | 2 | |
| 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 | N/A | ATF | 134 | 134 |