

**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2020 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2020
5 U.S.C. § 574(j)	Dispute resolution communications	DOD (1); EPA (1); FMC (1); HHS (1); MSPB (1); NCUA (3); OSC (2); USDA (2)	12
5 U.S.C. § 1213(h)	Identities of employees, former employees, or applicants for employment who make certain disclosures pursuant to this section	OSC (1)	1
*5 U.S.C. §§ 7114(b)(4), 7132	Certain labor relations training and guidance materials	DOD (2); EPA (3)	5
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	DOD (3); DOT (1); FDIC (1); HHS (50); SIGAR (3); SEC (2); USAB (1); USAID (10); VA (8)	79
5 U.S.C. app. § 105	Financial disclosure reports and applications to inspect financial disclosure reports	CIGIE (1); OGE (9); VA (4)	14
*5 U.S.C. app. 4 § 107(a)(2)	Confidential financial disclosure report pertaining to certain government employees	CEQ (1); CFPB (2); CIGIE (1); DHS (1); DOC (6); DOD (2); DOE (2); DOJ (1); EPA (3); EXIM (1); HHS (1); SEC (1); TVA (2)	24
6 U.S.C. § 121(d)	Intelligence sources and methods	DHS (173)	173
6 U.S.C. § 133(a)(1)	Protection of voluntarily shared critical infrastructure information	DHS (5); USAID (24)	29
6 U.S.C. § 673(a)(1)(A)	Voluntarily shared critical infrastructure information	DOJ (2)	2
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	DHS (1); DOJ (1)	2
*7 U.S.C. § 12(a)(1)	"[D]ata and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers," as well as certain other information concerning, or obtained in, the course of the Commission's investigation under the Commodity Exchange Act	CFTC (22); DHS (1)	23
7 U.S.C. § 26(h)(2)(A)	"[A]ny information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, . . . unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (C)"	CFTC (5)	5
*7 U.S.C. § 1502(c)(1)	Certain information furnished by a producer under the Federal Crop Insurance Act	USDA (17)	17
*7 U.S.C. § 2276(a)(2)	"[I]nformation furnished under a provision of law referred to in subsection (d) of this section . . . unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information"	USDA (34)	34
7 U.S.C. § 8401	Registration and transfer documentation for listed biological agents and toxins, and information derived therefrom	HHS (2)	2
*7 U.S.C. § 8791(b)(2)	"[I]nformation provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department" and certain "geospatial information . . . maintained by the Secretary about agricultural land or operations"	USDA (287)	287

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*8 U.S.C. § 1202(f)	Certain records pertaining to the issuance or refusal of visas to enter the United States	DHS (29003); DOJ (1); State (3680)	32684
8 U.S.C. § 1367(a)(2)	Information that relates to an alien who is the beneficiary of certain applications for relief under the Immigration and Nationality Act	DOJ (2)	2
10 U.S.C. § 128	Unclassified special nuclear weapons information	DOD (2)	2
*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"	DOD (146); DOJ (1)	147
*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"	DHS (1); DOD (1150); DOJ (1)	1152
*10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	DOD (18)	18
10 U.S.C. § 130d	Confidential information shared with State and local personnel	DOD (5)	5
10 U.S.C. § 130e	DOD Critical Infrastructure Security information	DOD (67); DOT (4)	71
*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	CIA (2); DOD (165); DOJ (2); NARA (25); ONDCP (1); State (5)	200
10 U.S.C. § 455	Maps, charts, and geodetic data	DOD (8); NARA (1)	9
10 U.S.C. § 613a(a)	Proceedings from selection and Special Selection Boards for Active Duty Officers and Warrant Officers	DOD (4)	4
*10 U.S.C. § 1102(f)	Medical quality assurance records created by or for the Department of Defense as part of a medical quality assurance program	DOD (16)	16
10 U.S.C. § 14104(a)	Proceedings from selection and special selection boards for reserve officers	DOD (1)	1
*10 U.S.C. § 2305(g)	Certain contractor proposals	DHS (7); DOD (151); DOJ (1); NASA (6)	165
10 U.S.C. § 2371(i)	Research projects: transactions other than contracts and grants	DOD (3)	3
10 U.S.C. § 2485(h)	Limitations on release of Commissary Commercially Valuable Information	DOD (1)	1
12 U.S.C. § 248(s)(6)	Information on borrowers at the discount window	FOMC (2); FRB (4)	6
12 U.S.C. § 3109(c)(2)	Confidential information received by a federal banking agency from a foreign regulatory or supervisory authority	FDIC (1)	1
*13 U.S.C. §§ 8(b), 9(a)	Certain census data	DOC (7)	7
*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	DOJ (14); FTC (14)	28
*15 U.S.C. §§ 46(f), 57b-2(f)	"[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential" and certain investigative materials received by the FTC and "provided pursuant to any compulsory process under this subchapter or which is provided voluntarily in place of such compulsory process"	FTC (181)	181

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15 U.S.C. § 77f(e)(2)	Certain information contained in or filed with a securities registration statement	SEC (10)	10
15 U.S.C. § 78u-6	Information that could identify a whistleblower	SEC (15)	15
15 U.S.C. § 78x(d)	Foreign securities authorities	SEC (4)	4
15 U.S.C. § 80a-30(c)	Information regarding investment company examination	SEC (1)	1
15 U.S.C. § 80b-4	Reports by investment adviser	SEC (4)	4
15 U.S.C. § 638(k)(4)	Information contained within a Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) program evaluation databases	DOD (1); DOE (1); USDA (3)	5
*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	DOJ (11)	11
*15 U.S.C. §§ 2055(a)(2), 2055(b)(1), 15 U.S.C. § 2055(b)(5)	Certain information reported to, or otherwise obtained by the Consumer Product Safety Commission which either contains or relates to a trade secret or is "subject to section 552(b)(4) of Title 5"	NARA (1); USCPSC (91)	92
15 U.S.C. § 2055(e)(1)	Information submitted under statutory reporting requirement for certain consumer products involved in product liability actions	USCPSC (1)	1
15 U.S.C. § 2074(c)	Information that identifies persons or those treating injured persons, absent consent	USCPSC (82)	82
*15 U.S.C. § 3710a(c)	"[T]rade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of Title 5, which is obtained in the conduct of research or as a result of activities under this chapter," which pertains to cooperative research and development agreements for the purpose of technological and industrial innovation	DOD (3); HHS (1)	4
15 U.S.C. § 4305(d)	Information submitted under the National Cooperative Research and Production Act of 1993	DOJ (1)	1
*15 U.S.C. § 7306(d)	"[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety"	DOC (3)	3
16 U.S.C. § 470aaa-8	Information concerning the nature and specific location of a paleontological resource	DOI (1)	1
*16 U.S.C. § 470hh	Information pertaining to the nature and location of certain archaeological resources	DHS (14); DOD (29); DOE (1); FERC (11); NARA (1); USDA (33)	89
16 U.S.C. § 470w-3	Information about the location, character, or ownership of a historic resource	DOD (18)	18
16 U.S.C. § 824o-1(d)	Information pertaining to Critical Electric Infrastructure Security	DOE (1); USNRC (1)	2
16 U.S.C. § 1881a(b)(1)	Certain information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter	DOC (11)	11
*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"	CFPB (3); DOJ (2)	5
*18 U.S.C. § 701	Likeness of any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof	Treasury (5)	5
*18 U.S.C. § 798	Certain classified information pertaining to the communication, intelligence, and cryptographic devices of the United States or any foreign government	DOD (539); NARA (7)	546
*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"	DOJ (49)	49

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*18 U.S.C. § 3509(d)	Certain records containing identifying information pertaining to children involved in criminal proceedings	DHS (6); DOD (176); DOJ (30); DOT (1); USPS (3)	216
*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	DOJ (5)	5
*18 U.S.C. § 5038(a)	Records of juvenile delinquency proceedings	DOJ (10)	10
*19 U.S.C. § 1677f	Certain "information submitted to the administering authority or the [United States International Trade] Commission which is designated as proprietary by the person submitting the information"	USITC (1)	1
*19 U.S.C. § 2155(g)	Certain information in connection with trade negotiations that is "submitted in confidence"	State (1); USTR (8)	9
*20 U.S.C. § 1099c-1	Certain program review reports and institutional responses until the Department of Education issues a final program review determination	ED (9)	9
*21 U.S.C. § 331(j)	Certain information "concerning any method or process which as a trade secret is entitled to protection"	HHS (10)	10
21 U.S.C. § 350d(a)4	Food Registration Documents	HHS (4)	4
21 U.S.C. § 355	Any information or documentary material that may have been filed pursuant to a pharmaceutical agreement notification	FTC (2)	2
22 U.S.C. §§ 1461, 1461-1a (Foreign Affairs Reform and Restructuring Act)	Certain program information prepared by the United States Information Agency	State (1)	1
*22 U.S.C. § 2778(e)	Certain information pertaining to export license applications	DOD (5); NASA (25)	30
25 U.S.C. 1675(g)	Medical quality assurance records	HHS (11)	11
*26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	DHS (5704); DOE (12); DOJ (140); ED (1); EPA (1); FEC (1); FMC (1); HHS (99); MSPB (1); NARA (33); SBA (6); SSA (10); Treasury (1671); VA (8)	7688
*28 U.S.C. § 652(d)	"[C]onfidential dispute resolution communications"	DOD (3); DOJ (1)	4
29 U.S.C. § 1310(c)	Any information or documentary material submitted to the [agency] pursuant to . . . section [1310 of title 29 of the United States Code]	PBGC (1)	1
29 U.S.C. § 1343(f)	Any information or documentary material submitted to the [agency] pursuant to . . . section [1343 of title 29 of the United States Code]	PBGC (3)	3
31 U.S.C. § 3729	Certain false claims investigation information	DOT (1)	1
31 U.S.C. § 3730(b)(2)	Records pertaining to civil actions for false claims against the United States Government	DOC (1); DOJ (6); ED (2); GSA (7)	16
31 U.S.C. § 5311	Records and reports on monetary instruments transactions	DOJ (3)	3
*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	DHS (69); DOJ (10); SEC (1); Treasury (142)	222
*35 U.S.C. § 122	Applications for patents; certain information pertaining to applications for patents	DOC (20)	20
35 U.S.C. § 205	Information relating to government invention information	DOD (3); VA (2)	5

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*38 U.S.C. § 5701	"All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of [VA]"	VA (1442)	1442
*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	VA (54)	54
*38 U.S.C. § 7332	Records of patients being treated for certain conditions	VA (1395)	1395
38 U.S.C. § 7451	Information collected in VA nurse and other health-care personnel wage surveys	VA (3)	3
39 U.S.C. § 410(c)(1)	Records relating to names and addresses of postal customers	USPS (383)	383
*39 U.S.C. § 410(c)(2)	Commercial information which would not be disclosed under good business practice	USPS (295)	295
39 U.S.C. § 410(c)(3)	Information prepared for use in the negotiation of collective bargaining agreements under 39 U.S.C. Chapter 12 and minutes or notes kept during the negotiating sessions	USPS (4)	4
39 U.S.C. § 410(c)(4)	Information prepared for proceedings under 39 U.S.C. Chapter 36, relating to rates, classification, and service charges	USPS (3)	3
39 U.S.C. § 410(c)(5)	Reports and memoranda of consultants or independent contractors, except to the extent that they would be required to be disclosed if prepared within the Postal Service	USPS (1)	1
39 U.S.C. § 410(c)(6)	Investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service	USPS (1)	1
39 U.S.C. § 412	Records containing lists of postal customers	USPS (29)	29
*41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))	Contractor bid or proposal information; source selection information	DHS (19); DOD (29); DOE (1); DOJ (32); DOT (2); ED (10); EXIM (1); GSA (8); HHS (1); NASA (6); USIBWC (1); VA (6)	116
*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	DFC (1); DHS (28); DOD (15); DOE (1); DOJ (23); DOT (3); GSA (15); HHS (11); HUD (2); NLRB (1); NSF (1); OPM (4); PBGC (3); PC (2); SSA (3); State (1); Treasury (6); TVA (6); USAID (12); USDA (15); VA (18)	171
42 U.S.C. § 242m(d)	Identifiable information for certain research and statistical activities	HHS (18)	18
42 U.S.C. § 247d-6b(d)	Information identifying the location at which materials in the stockpile under subsection (a) of this section	HHS (1); SEC (21)	22
*42 U.S.C. § 262a(h)(1)	Certain categories of information relating to biological agents and toxins	DOD (3); HHS (9)	12
42 U.S.C. § 282(j)(6)	Information submitted for publication on clinicaltrials.gov that is not otherwise publicly available	HHS (34)	34

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42 U.S.C. § 282(j)(6)	Information submitted for publication on clinicaltrials.gov that is not otherwise publicly available	HHS (34)	34
42 U.S.C. § 290dd-2	Confidentiality of patient records maintained in connection with substance abuse education, prevention, training, treatment, rehabilitation, or research	DOD (1)	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"	DOJ (14); HHS (4)	18
42 U.S.C. § 300jj-51(d)(2)	"Any information that is received by the National Coordinator [for Health Information Technology] in connection with a claim or suggestion of possible information blocking and that could reasonably be expected to facilitate identification of the source of the information"	HHS (1)	1
42 U.S.C. § 1306c(e)	Information contained on the Death Master File	SSA (8)	8
*42 U.S.C. §§ 2000e-5(b), 2000e-8(e)	Information pertaining to charges of unlawful employment practices; information obtained by the EEOC in investigating charges of unlawful employment practices	EEOC (1427)	1427
42 U.S.C. § 2000ff-6	Information pertaining to charges of unlawful employment discrimination practices	EEOC (1248)	1248
*42 U.S.C. §§ 2162, 2167, 2168(a)(1)	"Restricted Data" pertaining to atomic weapons and special nuclear material and certain safeguards information for nuclear material	DOD (21); DOE (6); NARA (16); USNRC (1)	44
42 U.S.C. § 3537a	Covered information during the grant selection process	HUD (6)	6
*42 U.S.C. § 3610(d)	Records pertaining to conciliation of disputes regarding allegations of unfair housing practices; information derived from housing discrimination investigations and any final investigative reports pertaining to such investigations	HUD (13)	13
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	DOJ (6)	6
42 U.S.C. § 11137(b)(1)	National Practitioner Data Bank information	HHS (6)	6
42 U.S.C. § 12112(d)(3)(B)	Certain information obtained regarding the medical condition or history of an applicant, including examinations and inquiries, that are collected and maintained on separate forms and in separate medical files and are treated as confidential medical records	USAB (1)	1
42 U.S.C. § 12117	Americans with Disabilities Act charges, conciliation materials, required reports, and case file information	EEOC (1553)	1553
*45 U.S.C. § 362(d)	Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity	RRB (30)	30
46 U.S.C. § 40306	Agreement information and documents filed with the FMC (other than Agreements)	FMC (3)	3
*49 U.S.C. § 114(r), (formerly at 49 U.S.C. § 114(s))	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	DHS (10010), DOJ (1); DOT (122)	10133
*49 U.S.C. § 1114(c)	Certain "cockpit voice or video recorder recording[s] or transcript[s] of communications by and between flight crew members and ground stations pertaining to [] incident[s] investigated by the [National Transportation Safety] Board"	DHS (8); NTSB (2)	10
49 U.S.C. § 1114(d)(1)	Certain surface vehicle recordings and transcripts related to an accident investigated by the Board	NTSB (8)	8



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49 U.S.C. § 1114(f)	Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or two years have not elapsed from the date of the accident	DOT (2); NTSB (10)	12
49 U.S.C. § 1136(d)	Passenger lists	NTSB (3)	3
49 U.S.C. § 30305(c)	National Driver Registration information on certain individuals	DOT (6)	6
49 U.S.C. § 31143(b)	Identities of motor carrier safety complaints	DOT (458)	458
49 U.S.C. § 40110(e)	Contract proposal not incorporated into contract	DOT (10)	10
49 U.S.C. § 40119(b)	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	DHS (31)	31
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	DOT (17)	17
49 U.S.C. § 40123(a)	Aviation safety, when required for national defense	DOT (1)	1
49 U.S.C. § 60138	Certain information contained in pipeline facility response plans	DOT (1)	1
50 U.S.C. § 421	Identities of U.S. undercover intelligence officers, agents, informants, and sources	DOD (123)	123
50 U.S.C. § 4555(d)	Information obtained under the Defense Production Act of 1950 that the President deems confidential or the person furnishing such information requests confidential treatment of the information	DOC (4)	4
*50 U.S.C. § 3024(i)(1) (formerly at 50 U.S.C. § 403-1(i)(1))	Intelligence sources and methods	DHS (160); DOD (638); DOJ (1049); NARA (143); ODNI (218); State (5)	2213
*50 U.S.C. § 3141(a) (formerly at 50 U.S.C. § 431)	"[O]perational files of the Central Intelligence Agency"	NARA (93)	93
*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"	CIA (1281); CIGIE (3); DHS (4); DOD (240); DOJ (34); ODNI (68); ONDCP (1); State (4)	1635
*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	CIA (1); DOD (775); DOJ (3); NARA (6); ONDCP (1)	786
50 U.S.C. § 4565(c) (formerly at 50 U.S.C. app. § 2170(c))	Information or documentary material filed with the Committee on Foreign Investment in the United States	DHS (6); Treasury (23); USTR (1)	30
50 U.S.C. § 4820(h)(1) (formerly at 50 U.S.C. § 4614(c)(1))	Information pertaining to license applications under the Export Administration Act	DOC (35)	35
52 U.S.C. § 30109(a)(4)	Action by the Commission or any person, and information derived, in connection with any conciliation attempt by the Commission in relation to certain complaints filed with the Commission	FEC (1)	1
*52 U.S.C. § 30109(a)(12)(A) (formerly at 2 U.S.C. § 437(a)(12)(A))	Any notification or investigation made under this section of the Federal Election Campaign Act pertaining to federal campaign funds	FEC (14)	14
*54 U.S.C. § 100707 (formerly at 16 U.S.C. § 5937)	Information pertaining to: "endangered, threatened, rare, or commercially valuable" NPS resources; "mineral or paleontological objects within units of the National Park System"; or "objects of cultural patrimony within units of the National Park System"	GSA (1)	1



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54 U.S.C. § 307103	Information about the location, character or ownership of a historic resource	DOI (6); DOT (1); USNRC (1)	8
*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	DHS (8); DOE (1); DOI (53); DOJ (585); DOT (1); EPA (1); HHS (1); HUD (1); NARA (40); State (1); Treasury (6); USDA (1); USPS (11)	710
++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 (87)	87
Pub. L. No. 95-452, 92 Stat. 1101	Identities of employees that have submitted complaints and or provided information during the course of an OIG investigation	DOD (15); USPS (12)	27
Pub. L. No. 102-190, 105 Stat. 1290, 1480-1481	Information concerning US personnel classified as POW/MIA during the Vietnam and Korean Conflicts (McCain Bill)	DOD (2)	2
Pub. L. No. 108-447, 118 Stat. 2809, 2859-60 Pub. L. No. 110-161, 121 Stat. 1844, 1903-904 Pub. L. No. 112-55, 125 Stat. 552, 609-10	Certain firearms database information	DOD (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	DOJ (159)	159
Pub. L. No. 112-55, 125 Stat. 552, 609-10 (Consolidated Appropriations Act, 2012)	Certain firearms database information	DOJ (2)	2
*Pub. L. No. 115-232 (formerly at 50 U.S.C. § 4614(c)(1))	Information pertaining to license applications under the Export Administration Act	DOD (1); DOJ (1)	2
Treaty Between the Government of the United States of America and the Government of Panama on Mutual Assistance in Criminal Matters, Pan.-U.S. , Apr. 11, 1991, S. TREATY DOC. 102-15 (1991)	Evidence obtained by way of a treaty with a confidentiality clause	DOJ (1)	1
United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances art.7, Dec. 20, 1988, S. TREATY DOC. 101-4, 1582 U.N.T.S. 95 (1990)	Evidence obtained by way of a treaty with a confidentiality clause	DOJ (1)	1



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2020 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

** An asterisk indicates that this statute has been found to qualify under Exemption 3 of the FOIA by a federal court of law.*

+ OIP has compiled this chart using information reported by agencies in their Annual FOIA Reports for Fiscal Year 2020. OIP consolidated information from those reports to provide an overall summary of the statutes used by agencies in connection with Exemption 3 of the FOIA, along with the number of times those statutes were used. All agency Annual FOIA Reports are available on OIP's website under the "Reports" page. Additionally, data from all agency 2020 Annual FOIA Reports is available on FOIA.gov.

x Subsequent to this reporting cycle, OIP learned that this statute had been repealed. However, the information previously covered by this statute continues to be protected by 49 U.S.C. § 114(r), (formerly at 49 U.S.C. § 114(s)), which has been found by courts to be a qualified Exemption 3 statute.

++ Subsequent to this reporting cycle, OIP learned that while the Supreme Court case finding this Federal Rule to be a valid Exemption 3 statute remains valid [see DOJ v. Julian, 486 U.S. 1, 11 (1988)], the language of the underlying Federal Rule was amended subsequent to this Supreme Court ruling. As a result, OIP has removed this Federal Rule from its [Statutes Found to Qualify Under Exemption 3 of the FOIA](#) chart.



Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2020 Annual FOIA Reports

U.S. Department of Justice
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Acronym	Agency Name
<i>CEQ</i>	Council on Environmental Quality
<i>CIA</i>	Central Intelligence Agency
<i>CFPB</i>	Consumer Financial Protection Bureau
<i>CFTC</i>	Commodity Futures Trading Commission
<i>CIGIE</i>	Council of the Inspectors General on Integrity and Efficiency
<i>CNCS</i>	Corporation for National and Community Service
<i>CSOSA</i>	Court Services and Offender Supervision Agency
<i>USDA</i>	Dept. of Agriculture
<i>DFC</i>	U.S. International Development Finance Corporation
<i>DOC</i>	Dept. of Commerce
<i>DOD</i>	Dept. of Defense
<i>ED</i>	Dept. of Education
<i>DOE</i>	Dept. of Energy
<i>EXIM</i>	Export–Import Bank of the United States
<i>FOMC</i>	Federal Open Market Committee
<i>HHS</i>	Dept. of Health and Human Services
<i>DHS</i>	Dept. of Homeland Security
<i>HUD</i>	Dept. of Housing and Urban Development
<i>DOJ</i>	Dept. of Justice
<i>DOL</i>	Dept. of Labor
<i>State</i>	Dept. of State
<i>DOI</i>	Dept. of the Interior
<i>Treasury</i>	Dept. of the Treasury
<i>DOT</i>	Dept. of Transportation
<i>VA</i>	Dept. of Veterans Affairs
<i>EPA</i>	Environmental Protection Agency
<i>EEOC</i>	Equal Employment Opportunity Commission
<i>FDIC</i>	Federal Deposit Insurance Corporation
<i>FEC</i>	Federal Election Commission
<i>FERC</i>	Federal Energy Regulatory Commission
<i>FHFA</i>	Federal Housing Finance Agency
<i>FMC</i>	Federal Maritime Commission
<i>FRB</i>	Federal Reserve Board



Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2020 Annual FOIA Reports

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Acronym	Agency Name
<i>FRTIB</i>	Federal Retirement Thrift Investment Board
<i>FTC</i>	Federal Trade Commission
<i>GSA</i>	General Services Administration
<i>MCC</i>	Millennium Challenge Corporation
<i>MSPB</i>	Merit Systems Protection Board
<i>NASA</i>	National Aeronautics and Space Administration
<i>NARA</i>	National Archives and Records Administration
<i>NCUA</i>	National Credit Union Administration
<i>NLRB</i>	National Labor Relations Board
<i>NSF</i>	National Science Foundation
<i>NTSB</i>	National Transportation Safety Board
<i>OGE</i>	Office of Government Ethics
<i>OPIC</i>	Overseas Private Investment Corporation
<i>OPM</i>	Office of Personnel Management
<i>ODNI</i>	Office of the Director of National Intelligence
<i>ONDCP</i>	Office of National Drug Control Policy
<i>OSC</i>	Office of Special Counsel
<i>OSTP</i>	Office of Science and Technology Policy
<i>PBGC</i>	Pension Benefit Guaranty Corporation
<i>PC</i>	Peace Corps
<i>RRB</i>	Railroad Retirement Board
<i>SBA</i>	Small Business Administration
<i>SEC</i>	Securities and Exchange Commission
<i>SSA</i>	Social Security Administration
<i>SIGAR</i>	Special Inspector General for Afghanistan Reconstruction
<i>TVA</i>	Tennessee Valley Authority
<i>USAB</i>	United States Access Board
<i>USAID</i>	U.S. Agency for International Development
<i>USCPSC</i>	U.S. Consumer Product Safety Commission
<i>USIBWC</i>	U.S. International Boundary and Water Commission
<i>USITC</i>	U.S. International Trade Commission
<i>USNRC</i>	U.S. Nuclear Regulatory Commission
<i>USPS</i>	U.S. Postal Service
<i>USTR</i>	U.S. Trade Representative