

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	2
			Tax	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).	FBI	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"	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.	FBI	4	4

		Dist. LEXIS 20907, at *8 (M.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).			
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	3	3
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	1	1
13 U.S.C. §§ 8(b), 9(a)	Certain census data	Baldrige v. Shapiro, 455 U.S. 345, 354-55 (1982).	FBI	1	1
15 U.S.C. § 18a(h)	Information submitted in connection with the premerger notification provisions of the Hart-Scott-	N/A	Antitrust	8	8

	Rodino Antitrust Improvements Act of 1976.				
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	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); 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); Winter v. NSA, 569 F. Supp. 545, 546-48 (S.D. Cal. 1983).	FBI	2	5
			OIP	3	
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	5	92
			DEA	5	
			EOUSA	1	
			FBI	78	

			OCDETF	3	
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	1	68
			EOUSA	3	
			FBI	64	
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).	EOUSA	3	68
			FBI	65	
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).	FBI	3	9
			USMS	6	
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	21	21
26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification	Nosal v. IRS, 523 F. Supp. 3d 72, 79 (D.D.C. 2021); Church of Scientology v. IRS, 484	ATF	95	139
			EOUSA	1	

	Numbers of third parties, and certain tax convention information	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'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).	FBI Tax	31 12	
31 U.S.C. § 5311	Records and reports on monetary instruments transactions	N/A	FBI	1	1
31 U.S.C. § 3730(b)(2)	Records pertaining to civil actions for false claims against the United States Government	N/A	EOUSA	2	2
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), aff'd on other grounds, 288 F. App'x 829 (3d Cir. 2008).	DEA FBI OCDETF	1 31 4	36

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	Schulte & Sun-Sentinel Co. v. VA, No. 86-6251, slip op. at 3-4, 12 (S.D. Fla. Feb. 2, 1996).	FBI	1	1
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	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	BOP	14	17
			FBI	3	

		1900562 (D.C. Cir. Aug. 25, 2004).			
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	11	11
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	11	11
42 U.S.C. § 2000g-2b	Conciliation assistance data received by the Community Relations Service	N/A	CRS	1	2
			OIP	1	
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	2	2
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	Magassa v. TSA, No. 19-01953, 2022 WL 971207, at *5 (D.D.C Mar. 31, 2022);	FBI	1	1

	of the Aviation and Transportation Security Act or under chapter 449 of this title	Skurow v. DHS, 892 F. Supp. 2d 319, 329-30 (D.D.C. 2012); Gordon v. FBI, 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).			
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	3	7
			OIP	4	
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	13	21
			OIP	7	
			OPR	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).	FBI	1,449	1,463
			OIP	13	
			OPR	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	6	528
			Civil Rights	3	
			DEA	2	
			ENRD	1	
			EOUSA	59	
			FBI	456	
			Tax	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	N/A	ATF	208	208
5 U.S.C. App. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	N/A	OIG	1	1

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
21 U.S.C. 1904(e)(3)	Information pertaining to significant foreign narcotics traffickers and their organizations that threaten the national security, foreign policy, and economy of the United States	N/A	DEA	2	2
21 U.S.C. § 355	Any information or documentary material that may have been filed pursuant to a pharmaceutical agreement notification	N/A	Antitrust	1	1

Treaty Between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, U.S.-Ukr., July 22, 1998, S. TREATY DOC. NO. 106-16 (1999)	Evidence obtained by way of a treaty with a confidentiality clause	N/A	Criminal	1	1
Treaty on Cooperation Between the United States of America and the United Mexican States for Mutual Legal Assistance, U.S.-Mex., Dec. 9, 1987, S. TREATY DOC. 100-13 (1991)	Evidence obtained by way of a treaty with a confidentiality clause	N/A	DEA	1	1
Treaty on Mutual Legal Assistance in Criminal Matters Between the United States of America and France, U.S.-Fr., Dec. 10, 1998, S. TREATY DOC. NO. 106-17 (2000)	Evidence obtained by way of a treaty with a confidentiality clause	N/A	EOUSA	3	3
Treaty on Mutual Legal Assistance in Criminal Matters Between the United States of America and France, U.S.-Fr., Dec. 10, 1998, S. TREATY DOC. NO. 106-17 (2000),	Evidence obtained by way of a treaty with a confidentiality clause	N/A	Criminal	1	1

Treaty on Mutual Legal Assistance in Criminal Matters Between the United States of America and the Kingdom of Spain, U.S.-Spain, Nov. 20, 1990, S. TREATY DOC. NO. 102-21 (1992)	Evidence obtained by way of a treaty with a confidentiality clause	N/A	Criminal	1	1
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