

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. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	N/A	OIG	1	1
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	12	12

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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	1	1
10 U.S.C. § 130b	Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS	<i>Hall v. CIA</i> , No. 04-00814, 2012 WL 3143839, at * 16 (D.D.C. Aug. 3, 2012); <i>Hiken v. DOD</i> , 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); <i>O'Keefe v. DOD</i> , 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); <i>Windel v. United States</i> , No. A02-306, 2005 WL 846206, at *2 (D. Alaska Apr. 11, 2005).	BOP	1	2
			FBI	1	

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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	2	2
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).	DEA	2	3
			FBI	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	7	8
			FBI	1	

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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	<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	9	11
			BOP	1	
			FBI	1	
18 U.S.C. § 701	Establishes penalties for: manufacturing, selling, or possessing "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": and photographing, printing, making or executing "any engraving, photograph, print, or impression in the likeness of such badge, identification card, or other insignia, or any colorable imitation thereof"	<i>Jones v. IRS</i> , No. 06-CV-322, 2008 WL 1901208, at *3-4 (W.D. Mich. Apr. 25, 2008).	EOUSA	1	1

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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	7	120
			DEA	52	
			EOUSA	4	
			FBI	52	
			OIP	5	
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 ap. 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).	ATF	1	47
			DEA	8	
			EOUSA	3	
			FBI	30	
			OIP	5	
18 U.S.C. § 3153	Information regarding pre-trial services	N/A	EOUSA	2	3
			FBI	1	

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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	3	13
			FBI	10	
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), aff'd, No. 10-1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).	BOP	15	21
			Criminal	1	
			OIP	1	
			USMS	4	
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	1	1
18 U.S.C. § 5038	Juvenile arrest records	N/A	FBI	7	7

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20 U.S.C. § 1232g	Identities of students and parents identified in data collected by representatives of the Comptroller General, the Secretary of Education, or State educational authorities in connection with the audit, evaluation, or enforcement of a Federally-supported education program	N/A	EOUSA	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	75	116
			BOP	3	
			DEA	3	
			EOUSA	1	
			EOUST	1	
			FBI	22	
			OIP	2	
			Tax	9	

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31 U.S.C. § 3730	Records pertaining to civil actions for false claims against the United States Government	N/A	EOUSA	6	6
31 U.S.C. § 3733(k)	Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand	N/A	Civil	2	2
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	8	23
			EOUSA	1	
			FBI	13	
			OIP	1	

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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).	EOUSA	1	1	
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	4	6	
			JMD	1		
			USMS	1		
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	3	4	
			USMS	1		

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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).	BOP	2	2
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	6	6

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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	3	6
			OIP	2	
			OLC	1	
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	5	383
			Office of the DAG	4	
			BOP	8	
			FBI	350	
			OIP	5	
			OLC	10	
			OLA	1	

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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).	Office of the AG	2	33
			Office of the DAG	2	
			BOP	1	
			FBI	22	
			OIP	4	
			OLC	1	
			OPR	2	
50 U.S.C. § 431 (Central Intelligence Agency Information Act of 1984)	"[O]perational files of the Central Intelligence Agency"	<i>CIA v. Sims</i> , 471 U.S. 159, 167, 174 n.19 (1985) (dictum); <i>Wolf v. CIA</i> , 569 F. Supp. 2d 1, 8 (D.D.C. 2008).	BOP	1	1

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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	1	638
			Antitrust	1	
			ATF	2	
			BOP	2	
			Civil Rights	2	
			Criminal	4	
			ENRD	2	
			EOUSA	192	
			FBI	411	
			NSD	9	
			OIP	11	
Tax	1				

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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	31	36
			EOUSA	3	
			OIP	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	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777 (7th Cir. 2005)	ATF	224	224
Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders, U.S.-H.K., Dec. 20, 1996, S. TREATY DOC. NO. 105-3 (1997))	Information exchanged with foreign government pursuant to a Mutual Legal Assistance Treaty	N/A	Criminal	1	1

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Treaty between the United States and the Netherlands on Mutual Legal Assistance in Criminal Matters, Sept. 29, 2004, S. TREATY DOC No. 109-13 2006	Information exchanged with foreign government pursuant to a Mutual Legal Assistance Treaty	N/A	Criminal	1	1
Treaty Between the United States of America and the Swiss Confederation on Mutual Assistance in Criminal Matters, U.S.-Switz., May 25, 1973, 27 U.S.T. 2019.	Information exchanged with foreign government pursuant to a Mutual Legal Assistance Treaty	N/A	Criminal	1	1