

#### IV. EXEMPTION 3 STATUTES

STATUTE	TYPE OF INFORMATION WITHHELD	CASE CITATIONS	NUMBER OF TIMES RELIED UPON PER COMPONENT	TOTAL NUMBER OF TIMES RELIED UPON BY AGENCY
5 U.S.C. app. § 107	Confidential conflict of interest certification; financial disclosure information pertaining to certain government employees	<i>Meyeroff v. EPA</i> , 958 F.2d 1498 (9th Cir. 1992)  <i>Glascoc v. DOJ</i> , No. 04-0486, 2005 WL 1139269 (D.D.C. May 15, 2005)	EOUSA - 48 OLP - 1	49
10 U.S.C. § 130b	Personally identifying information of personnel in overseas, sensitive, or routinely deployable units and certain employees of the Departments of Defense and Homeland Security	<i>Hiken v. DOD</i> , 521 F. Supp. 2d 1047 (N.D. Cal. 2007)	FBI - 1	1
10 U.S.C. § 424	Certain information pertaining to employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i> , 330 F. Supp. 2d 48 (E.D. Va. 2004)	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 - 4	4
15 U.S.C. § 1314(g)	Documentary material, answers to written interrogatories, or transcripts of oral depositions submitted in response to a Civil Investigative Demand (CID)	<i>Motion Picture Ass'n of Am. v. DOJ</i> , No. 80 Civ. 6612 (S.D.N.Y. Oct. 6, 1981)	Antitrust - 6	6

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15 U.S.C. § 4305(d)	Information submitted under the National Cooperative Research and Production Act of 1993	None	Antitrust - 2	2
18 U.S.C. § 798	Certain classified information pertaining to communications intelligence and cryptographic devices of the United States or any foreign government	<i>N.Y. Times Co. v. DOD</i> , 499 F. Supp. 2d 501 (S.D.N.Y. 2007)	Office of the AG - 1 FBI - 1 OLA - 3	5
18 U.S.C. §§ 2510-2520	Title III wiretap requests and information; information pertaining to the interception and disclosure of wire, oral, or electronic communication	<i>Lam Lek Chong v. DEA</i> , 929 F.2d 729 (D.C. Cir. 1991)	Criminal - 8 DEA - 28 EOUSA - 2 FBI - 35	73
18 U.S.C. § 3123	Pen registers; pen register orders	<i>Manna v. DOJ</i> , 815 F. Supp 798 (D.N.J. 1993), <i>aff'd on other grounds</i> , 51 F.3d 1158 (3d Cir. 1995)	EOUSA - 1 FBI - 8	9
18 U.S.C. § 3153	Information regarding pre-trial services	None	EOUSA - 2	2
18 U.S.C. § 3509	Pornography	None	EOUSA - 1	1
18 U.S.C. § 3521	Witness security information	None	FBI - 1 USMS - 9	10
18 U.S.C. § 5038	Juvenile arrest records	None	FBI - 6	6

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26 U.S.C. § 6103	Certain tax return information	<p><i>Church of Scientology v. IRS</i>, 484 U.S. 9 (1987)</p> <p><i>Ryan v. ATF</i>, 715 F.2d 644 (D.C. Cir. 1983)</p> <p><i>Radcliffe v. IRS</i>, 536 F. Supp. 2d 423 (S.D.N.Y. 2008)</p>	ATF - 9 Antitrust - 1 Criminal - 1 FBI - 58 OLP - 2 Tax - 6	77
26 U.S.C. § 7123	Federal income tax records	None	FBI - 1	1
41 U.S.C. § 235b(m)(1)	Proposals not incorporated into contracts	<p><i>Hornbostel v. U.S. Dep't of the Interior</i>, 305 F. Supp. 2d 21 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)</p>	JMD - 2	2
42 U.S.C. § 2000e-5(b)	Information pertaining to unlawful employment practices	<p><i>Frito-Lay v. EEOC</i>, 964 F. Supp. 236 (W.D. Ky. 1997)</p> <p><i>American Centennial Ins. Co. v. EEOC</i>, 722 F. Supp. 180 (D.N.J. 1989)</p>	Civil Rights - 1	1
42 U.S.C. § 2000g-2(b)	CRS confidentiality clause; CRS confidential information	None	CRS - 1	1
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	None	OJP - 1	1
49 U.S.C. § 114(s)	Information pertaining to security activities	<p><i>Gordon v. FBI</i>, 390 F. Supp. 2d 897 (N.D. Cal. 2004)</p>	FBI - 1	1

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50 U.S.C. § 402 note	Certain information pertaining to National Security Agency employees; information regarding the functions, organizations, or activities of the National Security Agency; national security sources and methods	<i>Founding Church of Scientology v. NSA</i> , 610 F.2d 824 (D.C. Cir. 1979)	Office of the AG - 2 Office of the DAG - 1 Criminal - 1 FBI - 1 NSD - 1 OLA - 3 OLC - 2	11
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to agency personnel; information regarding CIA organization, activities, and personnel	<i>CIA v. Sims</i> , 471 U.S. 159 (1985)  <i>Berman v. CIA</i> , 501 F.3d 1136 (9th Cir. 2007)  <i>Minier v. CIA</i> , 88 F.3d 796 (9th Cir. 1996)	Office of the AG - 1 Office of the DAG - 1 Criminal - 1 FBI - 76 OLA - 2 NSD - 1	82
50 U.S.C. § 403-1(i)	National security sources and methods; intelligence sources and methods	<i>CIA v. Sims</i> , 471 U.S. 159 (1985)  <i>Berman v. CIA</i> , 501 F.3d 1136 (9th Cir. 2007)	Office of the AG - 1 Office of the DAG - 2 FBI - 72 OLA - 1 OLC - 4	80

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Fed. R. Crim. P. 6(e)	Certain records pertaining to grand jury proceedings	<i>Fund for Constitutional Government v. N.A.R.S.</i> , 656 F.2d 856 (D.C. Cir. 1981)  <i>McDonnell v. United States</i> , 4 F.3d 1227 (3d Cir. 1993)  <i>Church of Scientology v. DOJ</i> , 30 F.3d 224 (1st Cir. 1994)  <i>Senate of P.R. v. DOJ</i> , 823 F.2d 574 (D.C. Cir. 1987)	Office of the AG - 2 Antitrust - 7 ATF - 14 Criminal - 27 ENRD - 2 EOUSA - 204 FBI - 279 OPR - 2 Tax - 2 USMS - 2	541
Pub. L. No. 110-161, 121 Stat. 1844	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)	Antitrust - 1 ATF - 9 Criminal - 1 FBI - 58 OLP - 2 Tax - 6	77

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