

IV. EXEMPTION 3 STATUTES

<i>Statute</i>	<i>Type of Information Withheld</i>	<i>Case Citation</i>	<i>Agency/ Component</i>	<i>Number of Times Relied upon by Agency/ Component</i>	<i>Total Number of Times Relied upon by Agency Overall</i>
5 U.S.C. app. § 107(a)	Financial disclosure information pertaining to certain government employees	<i>Meyerhoff v. EPA</i> , 958 F.2d 1498, 1500-02 (9th Cir. 1992); <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).	EOUSA	45	45
6 U.S.C. § 133(a)(1)(A)	Voluntarily shared critical infrastructure information	N/A	EOUSA	2	2
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>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).	FBI	1	1
10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	<i>Nat'l Inst. of Military Justice v. DOD</i> , 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), <i>aff'd on other grounds</i> , 512 F.3d 677 (D.C. Cir. 2008); <i>ACLU v. DOD</i> , 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); <i>Gerstein v. DOD</i> , No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).	FBI	1	2
			OLC	1	
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	3	3

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10 U.S.C. § 1102	Medical quality assurance records	<i>Goodrich v. Dep't of the Air Force</i> , 404 F. Supp. 2d 48, 50-51 (D.D.C. 2005); <i>Dayton Newspapers, Inc. v. Dep't of the Air Force</i> , 107 F. Supp. 2d 912, 917 (S.D. Ohio 1999).	FBI	1	1
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 EOUSA	1 1	2
10 U.S.C. § 2306a(d)(2)(C)	Certain contractor information	N/A	EOUSA	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)	"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	3	3

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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 any 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).	DEA	18	18
18 U.S.C. §§ 2510-20	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 DEA EOUSA FBI	31 70 2 59	162

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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"	<i>Jennings v. FBI</i> , No. 03-1651, slip op. at 11-12 (D.D.C. May 6, 2004); <i>Riley v. FBI</i> , No. 00-2378, 2002 U.S. Dist. LEXIS 2632, at *5-6 (D.D.C. Feb. 11, 2002); <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).	Criminal	1	40
			EOUSA	7	
			FBI	32	
18 U.S.C. § 3153	Information regarding pre-trial services	N/A	EOUSA	3	4
			FBI	1	
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	<i>Bonadonna v. DOJ</i> , 791 F. Supp. 2d 269, 270 (D. Mass. 2010), <i>aff'd</i> , No. 10-1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).	BOP	38	54
			Criminal	1	
			FBI	2	
			USMS	13	
18 U.S.C. § 4208(c)	Certain records pertaining to parole determination proceedings	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988).	FBI	1	1
22 U.S.C. § 2778(e)	Certain information pertaining to export license applications	<i>Council for a Livable World v. U.S. Dep't of State</i> , No. 96-1807, slip op. at 11 (D.D.C. Jan. 21, 1998), <i>amended</i> (D.D.C. Nov. 23, 1998).	FBI	2	2
26 U.S.C. §§ 6103, 6105	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>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	ATF	30	51
			DEA	1	
			FBI	7	
			Tax	13	

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31 U.S.C. § 3729(c)	False claims information		EOUSA	1	1
31 U.S.C. § 5318(g)(2)	Information pertaining to suspicious transactions		EOUSA	1	1
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	<i>Hulstein v. DEA</i> , No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <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 829 (3d Cir. 2008), <i>cert. denied</i> , 129 S. Ct. 2789 (U.S. 2009); <i>Sciba v. Bd. of Governors of the Fed. Reserve Sys.</i> , No. 04-1011, 2005 WL 3201206, at *6 (D.D.C. Nov. 4, 2005).	DEA FBI	10 10	20
41 U.S.C. § 254b(d)(2)(C)	Information received relating to commercial items	N/A	EOUSA	1	1
41 U.S.C. § 2102(a)	Contractor bid or proposal information; source selection information	<i>Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army</i> , No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	BOP	12	12
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>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).	EOUSA	1	1
42 U.S.C. § 2000g-2(b)	CRS confidentiality information	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	None	OJP	9	9

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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	<i>Pub. Citizen, Inc. v. FAA</i> , 988 F.2d 186, 194 (D.C. Cir. 1993); <i>Gordon v. FBI</i> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004)	FBI	3	3
50 U.S.C. § 402 note	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	<i>Houghton v. NSA</i> , No. 09-4440, 2010 WL 1784058, at *3 (3d Cir. May 5, 2010) (per curiam); <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	4	5
			OLC	1	
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"	<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, 1140 (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 DAG	1	42
			FBI	39	
			OLC	2	

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50 U.S.C. § 403-1(i)(1)	Intelligence sources and methods	<i>CIA v. Sims</i> , 471 U.S. 159, 167 (1985); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <i>Wolf v. CIA</i> , 473 F.3d 370, 378, 380 (D.C. Cir. 2007).	Office of the AG	1	174
			FBI	167	
			OLC	6	
50 U.S.C. § 431	"[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).	OLC	1	1
50 U.S.C. § 1702(a)(1)	Authorizes the President to "regulate . . . prevent or prohibit . . . importation or exportation of . . . any property in which any foreign country or a national thereof has any interest . . . by any person, or with respect to any property, subject to the jurisdiction of the United States"	<i>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</i> , 317 F.3d 275, 284 (D.C. Cir. 2003).	FBI	1	1
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	674
			ATF	2	
			Antitrust	2	
			Civil Rights	2	
			Criminal	2	
			EOUSA	341	
			FBI	324	

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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	135	136
			DEA	1	

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