

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(a)	Financial disclosure information pertaining to certain government employees	<p><i>Meyerhoff v. EPA</i>, 958 F.2d 1498, 1500-02 (9th Cir. 1992)</p> <p><i>Concepcion v. FBI</i>, 606 F. Supp. 2d 14, 33 (D.D.C. 2009), <i>renewed motion for summary judgment granted in part on other grounds</i>, 699 F. Supp. 2d 106 (D.D.C. 2010)</p>	EOUSA - 53	53
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	<p><i>Hiken v. DOD</i>, 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007)</p> <p><i>O'Keefe v. DOD</i>, 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006)</p> <p><i>Windel v. United States</i>, No. A02-306, 2005 WL 846206, at *2 (D. Alaska Apr. 11, 2005)</p>	FBI - 2	2
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	<p><i>Physicians for Human Rights v. DOD</i>, No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011)</p> <p><i>Miller v. DOJ</i>, 562 F. Supp. 2d 82, 112 (D.D.C. 2008)</p> <p><i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i>, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004)</p>	FBI - 2	2
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, 39 n.14 (2d Cir. 1985) (dictum)	Antitrust - 5	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	<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 - 4	4

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18 U.S.C. §§ 2510-20	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	<p><i>Mendoza v. DEA</i>, No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam)</p> <p><i>Lam Lek Chong v. DEA</i>, 929 F.2d 729, 733 (D.C. Cir. 1991)</p> <p><i>Payne v. DOJ</i>, No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997)</p>	Criminal - 4 DEA - 84 EOUSA - 5 FBI - 38	131
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"	<p><i>Jennings v. FBI</i>, No 03-1651, slip op. at 11-12 (D.D.C. May 6, 2004)</p> <p><i>Riley v. FBI</i>, No. 00-2378, 2002 U.S. Dist. LEXIS 2632, at *5-6 (D.D.C. Feb. 11, 2002)</p> <p><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)</p>	EOUSA - 3 FBI - 42	45
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 - 48 FBI - 1 USMS - 3	52
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	<p><i>Church of Scientology v. IRS</i>, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103)</p> <p><i>Pac. Fisheries, Inc. v. IRS</i>, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105)</p> <p><i>Tax Analysts v. IRS</i>, 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105)</p>	ATF - 12 Criminal - 1 DEA - 1 FBI - 12 Tax - 14	40
31 U.S.C. § 3730	Records pertaining to financial false claims	None	EOUSA - 1	1

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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	<p><i>Hulstein v. DEA</i>, No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011)</p> <p><i>Berger v. IRS</i>, 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), <i>aff'd</i> on other grounds, 288 F. App'x 829 (3d Cir. 2008), <i>cert. denied</i>, 129 S. Ct. 2789 (U.S. 2009)</p> <p><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)</p>	DEA - 6 FBI - 16	22
41 U.S.C. § 423(a)(1)	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 - 5	5
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	<p><i>Sinkfield v. HUD</i>, No. 10- 885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012)</p> <p><i>Hornbostel v. U.S. Dep't of the Interior</i>, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)</p>	JMD - 3	3
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"	<i>Long v. DOJ</i> , 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011)	Civil - 2	2
42 U.S.C. § 2000g-2(b)	Community Relations Service confidentiality information	None	CRS - 4	4

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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	<i>West v. Jackson</i> , 448 F. Supp. 2d 207, 212-13 (D.D.C. 2006), <i>summary affirmance granted</i> , No. 06-5281, 2007 WL 1723362 (D.C. Cir. Mar. 6, 2007)	FBI - 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
50 U.S.C. § 402 note	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	<p><i>Houghton v. NSA</i>, No. 09-4440, 2010 WL 1784058, at *3 (3d Cir. May 5, 2010) (per curiam)</p> <p><i>Larson v. Dep't of State</i>, 565 F.3d 857, 868-69 (D.C. Cir. 2009)</p> <p><i>Founding Church of Scientology v. NSA</i>, 610 F.2d 824, 827-28 (D.C. Cir. 1979)</p> <p><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)</p>	FBI - 2	2
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"	<p><i>Larson v. Dep't of State</i>, 565 F.3d 857, 865 n.2 (D.C. Cir. 2009)</p> <p><i>Berman v. CIA</i>, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007)</p> <p><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)</p>	Office of the AG - 1 Office of the DAG - 1 FBI - 79 OLC - 18	99

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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 - 4 Office of the DAG - 4 Office of the Assoc. AG - 2 FBI - 74 OLA - 3 OLC - 18	105
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. § 1806(b)	Electronic surveillance information acquired pursuant to subchapter I of chapter 36 of title 50	None	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 for 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 - 2 Office of the DAG - 2 ATF - 16 Criminal - 6 DEA - 15 ENRD - 1 EOUSA - 367 FBI - 341 NSD - 5 OLA - 1 USMS - 1	757
Fed. R. Crim. P. 32, enacted by Act of July 31, 1975, Pub. L. 94-64, § 2, 89 Stat. 370	Presentence reports and recommendations	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988)	FBI - 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	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777, 781-82 (7th Cir. 2005)	ATF - 131	131