

#### 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	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</i>, 699 F. Supp. 2d 106 (D.D.C. Mar 30, 2010)</p>	EOUSA - 66 Tax - 1	67
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, 32 (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>	Civil - 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 (2d Cir. 1985)	Antitrust - 2	2
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 - 2	2
15 U.S.C. § 4305(d)	Information submitted under the National Cooperative Research and Production Act of 1993	None	Antitrust - 1	1
18 U.S.C. § 1461	Obscene materials	None	EOUSA - 1	1

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18 U.S.C. §§ 2252, 2252A	"[M]aterial pertaining to the sexual exploitation of children"; "material constituting or containing child pornography"	None	FBI - 1	1
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 - 9 DEA - 27 EOUSA - 1 FBI - 74	111
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)	EOUSA - 1 FBI - 37	38
18 U.S.C. § 3153	Information regarding pre-trial services	None	EOUSA - 3	3
18 U.S.C. § 3521(b)(1)	Witness security information	<i>Bonadonna v. DOJ</i> , No. 09-40011-RWZ, 2010 WL 745790, at *1 (D. Mass. Feb. 22, 2010)	BOP - 47 Criminal - 1 FBI - 4 USMS - 8	60
18 U.S.C. § 5038	Juvenile arrest records	None	FBI - 10	10

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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)	Criminal - 1	1
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>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105)	ATF - 8 Criminal - 1 FBI - 30 Tax - 10 USPC - 12	61
28 U.S.C. § 651	Documents filed under seal and confidential mediation documents	None	ENRD - 1	1
31 U.S.C. § 3730	Records pertaining to financial false claims	None	EOUSA - 1	1
31 U.S.C. § 5319	Reports pertaining to monetary instrument transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	<i>Berger v. IRS</i> , 487 F. Supp. 2d 482 (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 (D.D.C. Nov. 4, 2005)	FBI - 23	23
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	None	OJP - 2	2

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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>	FBI - 104 NSD - 1	105
50 U.S.C. § 403-1(i)(1)	Intelligence sources and methods	<p><i>CIA v. Sims</i>, 471 U.S. 159, 167 (1985)</p> <p><i>Berman v. CIA</i>, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007)</p> <p><i>Wolf v. CIA</i>, 473 F.3d 370, 378, 380 (D.C. Cir. 2007)</p>	FBI - 82	82
50 U.S.C. § 431	"[O]perational files of the Central Intelligence Agency"	<p><i>CIA v. Sims</i>, 471 U.S. 159, 167, 174 n.19 (1985) (dictum)</p> <p><i>Wolf v. CIA</i>, 569 F. Supp. 2d 1, 8 (D.D.C. 2008)</p>	FBI - 2	2

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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	<p><i>Sussman v. USMS</i>, 494 F.3d 1106, 1113 (D.C. Cir. 2007)</p> <p><i>Fund of Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</i>, 656 F.2d 856, 867-68 (D.C. Cir. 1981)</p> <p><i>Durham v. U.S. Atty. Gen.</i>, No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008)</p> <p><i>Cozen O'Connor v. U.S. Dep't of Treasury</i>, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008)</p>	<p>Office of the AG - 1</p> <p>Antitrust - 2</p> <p>ATF - 15</p> <p>Criminal - 5</p> <p>DEA - 2</p> <p>ENRD - 2</p> <p>EOUSA - 264</p> <p>FBI - 473</p> <p>JMD - 1</p> <p>NSD - 7</p> <p>OPR - 1</p> <p>Tax - 4</p>	777
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 - 226	226

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