



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
5 U.S.C. § 574(j)	Dispute resolution communications	USDA (3); DOD (7); ED (1); FMC (1); NARA (6); NCUA (1); STB (1)	20
5 U.S.C. §§ 7114(b)(4), 7132	Certain labor relations training and guidance materials; subpoenas that would disclose certain labor relations training and guidance materials	DHS (2)	2
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	DOJ (1); USDA (1); DOD (7); HHS (14); VA (2)	25
5 U.S.C. app. § 105	Financial disclosure reports and applications to inspect financial disclosure reports	DOE (1); OGE (9)	10
5 U.S.C. app. § 107(a)	Financial disclosure information pertaining to certain government employees	DOJ (12); DOC (2); DOE (2); HHS (7); DHS (1); DOT (1); CPPBSD (1); CFPB (1); EPA (3); Ex-Im Bank (1); FEC (7); OGE (2); SEC (1)	41
6 U.S.C. § 121	Intelligence sources and methods	DHS (52)	52
6 U.S.C. § 133(a)(1)(A)	Voluntarily shared critical infrastructure information	DOC (1); DOD (1)	2
7 U.S.C. § 12	"[D]ata and information that would separately disclose the business transactions of any person" and trade secrets or names of customers gathered in the course of the Commission's investigations under the Commodity Exchange Act	CFTC (19)	19
7 U.S.C. § 26(h)(2)(A)	[A]ny information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, . . . unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (C)	CFTC (7)	7
7 U.S.C. § 136i-1	Information regarding the location and use of pesticides	EPA (21)	21
7 U.S.C. § 608(d)(2)	Information for marketing order programs that is categorized as trade secrets and commercial or financial information	USDA (1)	1
7 U.S.C. § 1502(c)	Personal information provided by agricultural producer (policy information, yield data, etc.)	USDA (30)	30
7 U.S.C. § 2018(c)	Names and other personally identifiable information of SNAP (Food Stamps) recipients and firms participating in program	USDA (228)	228



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
7 U.S.C. § 2276(a)(2)	"[I]nformation furnished under a provision of law referred to in subsection (d) of this section [concerning provisions for the collection of information regarding certain agricultural products] . . . unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information"	USDA (21)	21
7 USC § 8401(h)(1)(c)	Site specific or transfer specific safeguard and security measures used by a registered person to prevent unauthorized access.	USDA (3)	3
7 U.S.C. § 8791	"[I]nformation provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department" and certain "geospatial information . . . maintained by the Secretary"	USDA (266)	266
8 U.S.C. § 1202(f)	Records pertaining to the issuance or refusal of visas to enter the U.S.	DOJ (1); State (6,067); NARA (1)	6,069
10 U.S.C. § 128	Unclassified special nuclear weapons information	DOD (10)	10
10 U.S.C. § 130	Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"	DOD (135); NARA (2)	137
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	DOJ (2); DOD (901)	903
10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	DOD (86)	86
10 U.S.C. § 130d	Certain confidential Information shared with State and Local Personnel	DOD (1)	1
10 U.S.C. § 130e	DOD Critical Infrastructure Security information	DOD (24)	24
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	DOJ (2); DOD (347); State (4); Treasury (2); NARA (24)	379
10 U.S.C. § 455	Maps, charts, and geodetic data	DOD (22)	22
10 U.S.C. § 457	Operational files previously maintained by or concerning activities of the national photographic interpretation center	DOD (1)	1
10 U.S.C. § 613a(a)	Proceedings from selection and Special Selection Boards for Active Duty Officers and Warrant Officers	DOD (1)	1
10 U.S.C. § 1102	Medical quality assurance records	DOD (12)	12
10 U.S.C. §§ 1506(d), 1506(f)	Debriefing of a missing person returned to U.S. control from July 8, 1959 forward	DOD (2)	2



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
10 U.S.C. § 2305(g)	Certain contractor proposals	DOJ (3); DOD (151); DOD (5); GSA (2); NASA (22)	183
10 U.S.C. § 2371(i)	Research projects: transactions other than contracts and grants	DOD (7)	7
10 U.S.C. § 2485(h)	Limitations on release of Commissary Commercially Valuable Information	DOD (2)	2
10 U.S.C. § 2254a	Military flight operations quality assurance information	DOD (13)	13
10 U.S.C. 14104(a)	Proceedings from selection and special selection boards for reserve officers	DOD (3)	3
13 U.S.C. §§ 8(b), 9(a)	Certain information collected by the Bureau of the Census	DOJ (1); DOC (22)	23
13 U.S.C. § 301(g)	Shippers' export declarations or successor documents	DOC (8)	8
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	DOJ (8); FTC (34)	42
15 U.S.C. § 46(f)	"[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential"	FTC (63)	63
15 U.S.C. § 57b-2	Certain investigative materials received by the Federal Trade Commission and "provided pursuant to any compulsory process under this subchapter or which is provided voluntarily in place of such compulsory process"	FTC (168)	168
15 U.S.C. § 77f (e)(2)	Certain information contained in or filed with a securities registration statement	SEC (2)	2
15 U.S.C. § 78q(h)(5)	Associated persons of broker-dealers, government securities brokers or dealers, or municipal securities dealers	SEC (7)	7
15 U.S.C. § 78u-6	Information that could identify a whistleblower	SEC (64)	64
15 U.S.C. § 78x(d)	Foreign securities authorities	SEC (2)	2
15 U.S.C. § 80b-4	Reports by investment adviser	SEC (3)	3
15 U.S.C. § 638(k)(4)	Information contained within a Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) program evaluation databases	DOD (1)	1



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
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	DOJ (11)	11
15 U.S.C. §§ 2055(a)(2), 15 U.S.C. § 2055(b)(1), 15 U.S.C. § 2055(b)(5)	Trade secret and other confidential business information	USCPSC (192)	192
15 U.S.C. § 2055(e)(1)	Information submitted under statutory reporting requirement for certain consumer products involved in product liability actions	USCPSC (1)	1
15 U.S.C. § 2074(c)	Information that identifies persons or those treating injured persons, absent consent	USCPSC (154)	154
15 U.S.C. § 3710a(c)	"[T]rade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of Title 5, which is obtained in the conduct of research or as a result of activities under this chapter," which pertains to cooperative research and development agreements for the purpose of technological and industrial innovation	USDA (2)	2
15 U.S.C. § 6801	Nonpublic personal information of customers of financial institutions	FDIC (4)	4
15 U.S.C. § 7306(c)	Voluntarily provided safety-related information	DOC (6)	6
15 U.S.C. § 7306(d)	"[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety"	DOC (4)	4
16 U.S.C. § 470aaa-8	Information concerning the nature and specific location of a paleontological resource	DOI (3)	3
16 U.S.C. § 470hh	Information pertaining to the nature and location of certain archaeological resources	USDA (35); DOD (30); DOI (27); FERC (12)	104
16 U.S.C. § 470w-3	Information about the location, character, or ownership of a historic resource	DOD (35)	35
16 U.S.C. § 1881a(b)(1)	Certain information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter	DOC (11)	11
16 U.S.C. § 4304	Specific locations of significant caves	DOI (3)	3
18 U.S.C. § 701	Likeness of 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	DOJ (1); Treasury (1)	2



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
18 U.S.C. § 798	Certain classified information pertaining to the communication, intelligence, and cryptographic devices of the United States or any foreign government	DOD (684)	684
18 U.S.C. § 1461	Obscene materials/records concerning non-mailable matter	DHS (2); USPS (3)	5
18 U.S.C. § 2251	Prohibition on sexual exploitation of children	DHS (1)	1
18 U.S.C. §§ 2510-20	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	DOJ (120); DOD (1); DHS (5); NARA (4); USPS (4)	134
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"	DOJ (47)	47
18 U.S.C. § 3153	Information regarding pre-trial services	DOJ (3); FHFA (3)	6
18 U.S.C. § 3509(d)	Certain records containing identifying information pertaining to children involved in criminal proceedings	DOJ (13); DOD (164); HHS (1); DHS (14)	192
18 U.S.C. § 3521(b)(1)(g)	Witness security information	DOJ (21)	21
18 U.S.C. § 4208(c)	Certain records pertaining to parole determination proceedings	DOJ (1)	1
18 U.S.C. § 5038	Juvenile arrest records	DOJ (7)	7
19 U.S.C. § 1677f	Certain "information submitted to the administering authority or the [United States International Trade] Commission which is designated as proprietary by the person submitting the information"	DOC (4); USITC (3)	7
20 U.S.C. § 1099c-1(b)(8)	Certain program review reports	ED (3)	3
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	DOJ (1); ED (4)	5
21 U.S.C. § 331(j)	Certain information "concerning any method or process which as a trade secret is entitled to protection"	HHS (24)	24
21 U.S.C. § 350d(a)(5)	Food facility registration information	HHS (1)	1
21 U.S.C. §§ 1903-1905	All records generated or obtained in the implementation of the King Pin Act	Treasury (1)	1
21 U.S.C. § 1904(e)(3)	Investigative information	Treasury (8)	8
22 U.S.C. §§ 1461, 1461-1a	Certain program information prepared by the United States Information Agency	BBG (1)	1
22 U.S.C. § 2778(e)	Certain information pertaining to export license applications	DOD (14); DOE (1); NASA (8)	23
25 U.S.C. § 1675(g)	Medical quality assurance records	HHS (4)	4



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
25 U.S.C. § 2103(c)	Records related to the decision to grant or disapprove minerals agreements for Indian tribes	DOI (3)	3
26 U.S.C. § 6103	Certain tax return information and certain tax convention information	Treasury (2,318); FHFA (1)	2,319
26 U.S.C. § 6105	Certain tax return information and certain tax convention information	Treasury (26)	26
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	DOJ (116); DOD (1); DOE (8); DHS (1,931); VA (21); FMC (3); NARA (12); PBGC (1); SEC (1); SBA (10); SSA (10); USPS (1)	2,115
28 U.S.C. § 652(d)	"[C]onfidential dispute resolution communications"	ED (4); DOE (2); NIGC (1)	7
29 U.S.C. § 1343(f)	Any information or documentary material submitted to the [agency] pursuant to . . . section [1343 of title 29 of the United States Code]	PBGC (1)	1
31 U.S.C. § 3730	Records pertaining to civil actions for false claims against the United States Government	DOJ (6); DOC (1); ED (1); GSA (4)	12
31 U.S.C. §§ 3729, 3730	Certain false claims investigation information	FHFA (4)	4
31 U.S.C. § 3733(k)	Any documentary material, answers to interrogatories, or oral testimony provided under any civil investigative demand	DOJ (2)	2
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	DOJ (23); DHS (10); Treasury (488); FDIC (1); FHFA (2); OPM (434)	958
35 U.S.C. § 122	Applications for patents; certain information pertaining to applications for patents	DOC (9); DOE (3)	12
35 U.S.C. § 205	Information pertaining to invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license)	DOD (1); HHS (1); VA (2)	4
35 U.S.C. § 209(f)	Plans of a licensee for development or marketing of a federally owned invention	HHS (4)	4
38 U.S.C. § 5701	Records pertaining to any claim filed with the Department of Veterans Affairs for names and addresses of present and former members of the Armed Forces and their dependents	VA (96)	96
38 U.S.C. § 5705	Records created as part of a medical quality assurance program	DOJ (1); VA (64)	65
38 U.S.C. § 7332	Records of patients being treated for certain conditions	VA (3,859)	3,859
38 U.S.C. § 7451	Information collected in VA nurse and other health-care personnel wage surveys	VA (3)	3
39 U.S.C. § 410(c)(1)	Records relating to names and addresses of postal customers	USPS (445)	445



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
39 U.S.C. § 410(c)(2)	Records relating to commercial information that is proprietary to the Postal Service	USPS (149)	149
39 U.S.C. § 410(c)(5)	Reports or memoranda of consultants or independent contractors, except to the extent that they would be required to be disclosed if prepared within the Postal Service	USPS (4)	4
39 U.S.C. § 410(c)(6)	Investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service	USPS (3)	3
39 U.S.C. § 412	Records containing lists of postal customers	USPS (14)	14
41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702)	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	DOJ (6); DOC (5); DOD (11); ED (1); DOE (6); HHS (45); DHS (20); DOI (17); DOT (7); Treasury (2); VA (33); USAID (11); NRPC (1); CNCS (1); EPA (3); EEOC (123); FEC (2); GSA (14); NLRB (1); USNRC (2); OPM (1); SEC (1); SSA (1); TVA (2)	316
41 U.S.C. § 2102(a) (amending 41 U.S.C. § 423(a)(1))	Contractor bid or proposal information; source selection information	DOJ (4); DOC (1); DOD (19); ED (3); DOE (4); DHS (13); DOI (3); DOT (1); VA (15); CFPB (1); GSA (9); NASA (9)	82
41 U.S.C. § 4702(b)	Certain contractor proposals that have not been set forth or incorporated by reference into contract	HUD (1); CFPB (2)	3
42 U.S.C. § 242m(d)	Identifiable information for certain research and statistical activities	HHS (14)	14
42 U.S.C. § 247d-6b(d)	Information identifying the location at which materials in the stockpile under subsection (a) of this section are stored	HHS (5); SEC (2)	7
42 U.S.C. § 262a(h)	Bioterrorism-related information	DOD (1); HHS (17); DHS (1)	19
42 U.S.C. § 290dd-2	Patient records maintained in connection with substance abuse education, prevention, training, treatment, rehabilitation, or research	DOD (1)	1



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
42 U.S.C. § 300aa-12(d)(4)(A)	Medical records presented to a Special Master in National Vaccine Injury Compensation Program court proceedings	DOJ (2); HHS (8)	10
42 U.S.C. § 300i-2(a)(3)	Information related to vulnerability assessments provided to the Administrator	EPA (2)	2
42 U.S.C. § 653(i)(7)(E)(ii)	Information in the Federal Parent Locator Service	HHS (1)	1
42 U.S.C. § 11137(b)	Adverse reports of a health care practitioner's conduct reported to the National Practitioner Database	HHS (3)	3
42 USC § 1320c-9(a)	Information related to Quality Improvement Organization records	HHS (2)	2
42 U.S.C. § 1395bb(b)	Information related to Accreditation Survey Information	HHS (1)	1
42 U.S.C. § 1396r-8 (b)(3)(D)	Information disclosed by manufacturers or wholesalers which reveals the identity of a specific manufacturer or wholesaler and prices charged for drugs by such manufacturer or wholesaler	HHS (1)	1
42 U.S.C. §§ 2000e-5(b), 2000e-8(e)	Information obtained by the EEOC in investigating charges of unlawful employment practices	HUD (1); DOL (4); EEOC (1,512)	1,517
42 U.S.C. § 2000g-2(b)	Conciliation assistance data received by the Community Relations Service	DOJ (1)	1
42 U.S.C. § 2000ff-6	Information pertaining to charges of unlawful employment practices	EEOC (875)	875
42 U.S.C. § 2162	"Restricted Data" pertaining to atomic weapons and special nuclear material	DOD (9); DOE (37); NARA (12)	58
42 U.S.C. § 2167	Certain safeguards information concerning atomic energy	USNRC (4)	4
42 U.S.C. § 2168(a)(1)(C)	Restricted and formerly restricted data concerning atomic energy	DOD (7); NARA (46)	53
42 U.S.C. § 3537a	Covered information during the grant selection process	HUD (1)	1
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	HUD (16)	16
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	DOJ (6)	6
42 U.S.C. § 12117	Americans with Disabilities Act charges, conciliation materials, required reports, and case file information	EEOC (1,009)	1,009
42 U.S.C. § 7412 (r)(7)(H)(iii)	Certain off-site consequence analysis information and any ranking of stationary sources derived from the information	EPA (3)	3
44 U.S.C. § 3501 note	Data or information acquired under a pledge of confidentiality for exclusively statistical purposes	ED (2); DOT (1)	3
45 U.S.C. § 362(d)	Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity	RRB (16)	16
46 U.S.C. § 40306	Agreement information and documents filed with the Commission (other than Agreements)	FMC (1)	1
47 U.S.C. § 1426(d)	Action taken or decisions made by the First Responder Network Authority	DOC (1)	1



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Act or under chapter 449 of this title	DHS (7,129)	7,129
49 U.S.C. § 1114(c)	Certain "cockpit voice or video recorder recording[s] or transcript[s] of communications by and between flight crew members and ground stations pertaining to [] incident[s] investigated by the [National Transportation Safety] Board"	NTSB (2)	2
49 U.S.C. § 1114(f)	Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or two years have not elapsed from the date of the accident	NTSB (1)	1
49 U.S.C. § 30305(c)(1)	National Driver Register Information on certain individuals	DOT (3)	3
49 U.S.C. § 31105(h)(1)	Names of certain motor carrier employees	DOT (49)	49
49 U.S.C. § 31143(b)	Identities of motor carrier safety complaints	DOT (19)	19
49 U.S.C. § 40110(e)	Contract proposal not incorporated into contract	DOT (3)	3
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	DOT (76)	76
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	DOT (14)	14
49 U.S.C. § 40115(a)	Information harmful to the position of the United States in international aviation negotiations, or harmful to any United States international air carrier	DOT (3)	3
49 U.S.C. § 60138	Certain information contained in pipeline facility response plans	DOT (3)	3
50 U.S.C. § 402 note (currently at 50 U.S.C. 3605)	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	DOJ (6); DOD (1,146); State (2); NARA (3)	1,157
50 U.S.C. § 403-1(i)(1) (currently at 50 U.S.C. § 3024(i)(1))	Intelligence sources and methods	DOJ (383); DOD (7); DOE (16); DHS (55); NARA (87); OPM (30)	578



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
50 U.S.C. § 403g (currently at 50 U.S.C. § 3507)	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, names, official titles, salaries, or numbers of personnel employed by the Agency"	DOJ (33); DOD (18); DHS (22); State (3); CIA (1,201); NARA (220); OPM (390); ODNI (68)	1,955
50 U.S.C. § 421	Identities of U.S. undercover intelligence officers, agents, informants, and sources	NARA (1)	1
50 U.S.C. § 431	"[O]perational files of the Central Intelligence Agency"	DOJ (1)	1
50 U.S.C. § 432a (currently at 50 U.S.C. § 3143)	Operational files of the National Reconnaissance Office	DOD (8)	8
50 U.S.C. § 3024(i)(1)	Protects information pertaining to intelligence sources and methods pursuant to the National Security Act of 1947	ODNI (76)	76
50 U.S.C. § 3142	National Geospatial-Intelligence Agency operational files	DOD (1)	1
50 U.S.C. § 3144 (formerly 50 U.S.C. § 432b)	Operational files of the National Security Agency	DOD (2)	2
50 U.S.C. § 3605	Certain information that could reveal the organization, functions, or activities of the National Security Agency and its employees	DOC (1)	1
50 U.S.C. app. § 2170(c) (currently at 50 U.S.C. § 4565(c))	Information or documentary material filed with the President or President's designee pursuant to this section	DOC (6); Treasury (3); USTR (1)	10
50 U.S.C. app. § 2411(c) (currently at 50 U.S.C. § 4614)	Information pertaining to license applications under the Export Administration Act	DOC (15); DOD (2)	17
52 U.S.C. § 30109(a)(4)	Action by the Commission or any person, and information derived, in connection with any conciliation attempt by the Commission in relation to certain complaints filed with the Commission	FEC (5)	5
52 U.S.C. § 30109(a)(12)(A)	Any notification or investigation made under this section of the Federal Election Campaign Act pertaining to federal campaign funds	FEC (8)	8
54 U.S.C. § 100707	Information pertaining to: "endangered, threatened, rare, or commercially valuable" NPS resources	DOI (8)	8
54 U.S.C. § 307103	Information about the location, character or ownership of a historic resource	DOI (5)	5



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
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	DOJ (638); DOE (1); HHS (1); DHS (5); DOI (1); DOL (5); Treasury (19); FHFA (4); NARA (23); USNRC (1); SBA (1); USPS (7)	706
Fed. R. Crim. P. 32, enacted by Act of July 31, 1975, Pub. L. 94-64, § 2, 89 Stat. 370	Presentence reports and recommendations	DOJ (36)	36
Pub. L. No. 95-452, 92 Stat. 1101	Identities of employees that have submitted complaints and or provided information during the course of an OIG investigation	USPS (9)	9
Pub. L. No. 102-190, 105 Stat. 1290, 1480-1481.	Information concerning US personnel classified as POW/MIA during the Vietnam and Korean Conflicts	DOD (2)	2
Pub. L. No. 104-134, 110 Stat. 1321	Reports pertaining to monetary instruments transaction	LSC (3)	3
Pub. L. No. 105-246, 112 Stat 1859	Records related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice	NARA (2)	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	DOJ (224)	224
Pub. L. No. 111-83, 123 Stat. 2142 (Protected National Security Documents Act, 2009)	Photographs related to the treatment of individuals engaged, captured, or detained after September 11, 2001	DOD (1)	1
Treaty Between the Government of the United States of America and the Government of the State of Hong Kong on Mutual Assistance in Criminal Matters, U.S.-H.K., Dec. 20, 1996, S. TREATY DOC NO. 105-2-1997	Evidence obtained by way of a treaty with a confidentiality clause	DOJ (1)	1
Treaty Between the Government of the United States of America and the Government of the State of Netherlands on Mutual Assistance in Criminal Matters, U.S.-NED., Sept. 29, 2004, S. TREATY DOC NO. 109-13-2006	Evidence obtained by way of a treaty with a confidentiality clause	DOJ (1)	1



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2016
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	Evidence obtained by way of a treaty with a confidentiality clause	DOJ (1)	1

**OIP has compiled this chart using information reported by agencies in their Annual FOIA Reports for Fiscal Year 2016. OIP consolidated information from those reports in order to provide an overall summary of the statutes used by agencies in connection with Exemption 3 of the FOIA, along with the number of times those statutes were used. All agency Annual FOIA Reports are available on OIP's website under the "Reports" page. Additionally, data from all agency 2016 Annual FOIA Reports is available on FOIA.gov.*



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Acronym	Agency Name
<i>BBG</i>	Broadcasting Board of Governors
<i>CIA</i>	Central Intelligence Agency
<i>CFPB</i>	Consumer Financial Protection Bureau
<i>CFTC</i>	Commodity Futures Trading Commission
<i>CNCS</i>	Corporation for National and Community Service
<i>CPPBSD</i>	Committee for Purchase from People Who Are Blind or Severely Disabled
<i>USDA</i>	Dept. of Agriculture
<i>DOC</i>	Dept. of Commerce
<i>DOD</i>	Dept. of Defense
<i>ED</i>	Dept. of Education
<i>DOE</i>	Dept. of Energy
<i>HHS</i>	Dept. of Health and Human Services
<i>DHS</i>	Dept. of Homeland Security
<i>HUD</i>	Dept. of Housing and Urban Development
<i>DOJ</i>	Dept. of Justice
<i>DOL</i>	Dept. of Labor
<i>State</i>	Dept. of State
<i>DOI</i>	Dept. of the Interior
<i>Treasury</i>	Dept. of the Treasury
<i>DOT</i>	Dept. of Transportation
<i>VA</i>	Dept. of Veterans Affairs
<i>EPA</i>	Environmental Protection Agency
<i>EEOC</i>	Equal Employment Opportunity Commission
<i>Ex-Im Bank</i>	Export-Import Bank of the United States
<i>FDIC</i>	Federal Deposit Insurance Corporation
<i>FEC</i>	Federal Election Commission
<i>FERC</i>	Federal Energy Regulatory Commission
<i>FHFA</i>	Federal Housing Finance Agency
<i>FMC</i>	Federal Maritime Commission
<i>FTC</i>	Federal Trade Commission
<i>GSA</i>	General Services Administration



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2016 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

<i>Acronym</i>	<i>Agency Name</i>
<i>LSC</i>	Legal Services Corporation
<i>NASA</i>	National Aeronautics and Space Administration
<i>NARA</i>	National Archives and Records Administration
<i>NCUA</i>	National Credit Union Administration
<i>NIGC</i>	National Indian Gaming Commission
<i>NLRB</i>	National Labor Relations Board
<i>NRPC</i>	National Railroad Passenger Corporation (Amtrak)
<i>NTSB</i>	National Transportation Safety Board
<i>OGE</i>	Office of Government Ethics
<i>OPM</i>	Office of Personnel Management
<i>ODNI</i>	Office of the Director of National Intelligence
<i>PBGC</i>	Pension Benefit Guaranty Corporation
<i>RRB</i>	Railroad Retirement Board
<i>SBA</i>	Small Business Administration
<i>SEC</i>	Securities and Exchange Commission
<i>SSA</i>	Social Security Administration
<i>STB</i>	Surface Transportation Board
<i>TVA</i>	Tennessee Valley Authority
<i>USAID</i>	U.S. Agency for International Development
<i>USCPSC</i>	U.S. Consumer Product Safety Commission
<i>USITC</i>	U.S. International Trade Commission
<i>USNRC</i>	Nuclear Regulatory Commission
<i>USPS</i>	U.S. Postal Service
<i>USTR</i>	United States Trade Representative