

**Statutes Used by Federal Departments and Agencies in Conjunction with  
Exemption 3 of the FOIA as Reported in Fiscal Year 2018 Annual FOIA Reports**

U.S. Department of Justice  
Office of Information Policy

| <b>Statute</b>                                | <b>Type of Information Protected by Statute</b>   | <b>Agency (Agencies) and No. of Times Cited</b>  | <b>Total No. of Citations in FY 2018</b> |
|---|---|--|--|
| 5 U.S.C. § 574(j)                             | Dispute resolution communications   | USDA (3); DOD (5); ED (2); HHS (3); DOI (2); MSPB (3); STB (1)   | 19                                       |
| *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  | DOD (1)  | 1  |
| 5 U.S.C. § 7301 note § 503(e), Pub. L. 100-71 | Drug test results of federal employees  | DOT (1); SSA (1)   | 2  |
| 5 U.S.C. app. 3 § 7(b)                        | Names of employees who provide information or complaints to the Inspector General   | USDA (2); DOD (10); HHS (47); Treasury (1); DOT (2); FMC (1); SEC (7); USAID (4)   | 74                                       |
| 5 U.S.C. app. § 105                           | Financial disclosure reports and applications to inspect financial disclosure reports   | ED (3); DOE (1); VA (4); OGE (57)  | 65                                       |
| *5 U.S.C. app. 4 § 107(a)(2)                  | Confidential financial disclosure report pertaining to certain government employees   | CFPB (5); DOC (2); DOD (2); ED (6); HHS (3); DHS (1); DOJ (12); Ex-Im Bank (5); FCC (1); FTC (1); NLRB (1); OMB (1); SEC (1) | 44                                       |
| 6 U.S.C. § 121                                | Intelligence sources and methods  | DHS (199)  | 199                                      |
| *6 U.S.C. § 133(a)(1)                         | Protection of voluntarily shared critical infrastructure information  | HHS (1); DOJ (1)   | 2  |
| 6 U.S.C. § 623(e)                             | Certain anti-terrorism information related to chemical facilities   | DHS (1)  | 1  |
| 6 U.S.C. § 673(a)(1)(A)                       | Voluntarily shared critical infrastructure information  | DHS (3); EAC (5)   | 8  |
| 6 U.S.C. § 824o-1(d)                          | Information pertaining to Critical Electric Infrastructure Security   | DOE (3)  | 3  |
| *7 U.S.C. § 12(a)(1)                          | "[D]ata and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers," as well as certain other information concerning, or obtained in, the course of the Commission's investigation under the Commodity Exchange Act | CFTC (12)  | 12                                       |
| *7 U.S.C. § 136i-1(b)                         | "[D]ata, including the location from which the data was derived, that would directly or indirectly reveal the identity of individual producers [of certain pesticides]"   | DHS (2); EPA (12)  | 14                                       |
| *7 U.S.C. § 1502(c)                           | Personal information provided by agricultural producer (policy information, yield data, etc.)   | USDA (24)  | 24                                       |
| *7 U.S.C. § 2018(c)                           | Information obtained pursuant to chapter 51 of title 7 of the United States Code, which concerns the handling of information submitted by applicants to the Supplemental Nutrition Assistance Program   | USDA (2)   | 2  |
| *7 U.S.C. § 2276(a)(2)                        | "[I]nformation furnished under a provision of law referred to in subsection (d) of this section . . . 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 (6); DHS (1)  | 7  |
| 7 U.S.C. § 8401                               | Registration and transfer documentation for listed biological agents and toxins, and information derived therefrom  | HHS (1)  | 1  |

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| *7 U.S.C. § 8791(b)(2)        | "[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 about agricultural land or operations" | USDA (550)  | 550                                      |
| *8 U.S.C. § 1202(f)           | Certain records pertaining to the issuance or refusal of visas to enter the United States   | DHS (32480); DOJ (3); State (6527)                          | 39010                                    |
| 10 U.S.C. § 128               | Unclassified special nuclear weapons information  | DOD (31)  | 31                                       |
| *10 U.S.C. § 130(a)           | Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"  | DOD (157); NARA (4)   | 161                                      |
| *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   | DOD (931); DHS (1); DOJ (2); MSPB (1); ONDCP (3)            | 938                                      |
| *10 U.S.C. § 130c             | Certain "sensitive information of foreign governments" and certain international organizations  | DOD (47); DOJ (2); SIGAR (2)                                | 51                                       |
| 10 U.S.C. § 130d              | Certain confidential Information shared with State and Local Personnel  | DOD (2)   | 2  |
| 10 U.S.C. § 130e              | DOD Critical Infrastructure Security information  | DOD (36)  | 36                                       |
| *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   | DOD (301); DHS (1); DOJ (8); State (2); NARA (6); ONDCP (3) | 321                                      |
| 10 U.S.C. § 455               | Maps, charts, and geodetic data   | DOD (10)  | 10                                       |
| 10 U.S.C. § 613a(a)           | Proceedings from selection and Special Selection Boards for Active Duty Officers and Warrant Officers   | DOD (4)   | 4  |
| *10 U.S.C. § 1102(f)          | Medical quality assurance records created by or for the Department of Defense as part of a medical quality assurance program  | DOD (18); DOJ (1)   | 19                                       |
| 10 U.S.C. §§ 1506(d), 1506(f) | Debriefing a missing person returned to U.S. control from July 8, 1959, forward   | DOD (1)   | 1  |
| *10 U.S.C. § 2305(g)          | Certain contractor proposals  | DOD (161); DOJ (1); DOI (1); GSA (1); NASA (7)              | 171                                      |
| 10 U.S.C. § 2371(i)           | Research projects: transactions other than contracts and grants   | DOD (1)   | 1  |
| *13 U.S.C. §§ 8(b), 9(a)      | Certain census data   | DOC (16)  | 16                                       |
| *13 U.S.C. § 301(g)           | Certain shippers' export declarations or successor documents  | DOJ (4)   | 4  |
| *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 (35)   | 43                                       |
| *15 U.S.C. §§ 46(f), 57b-2(f) | "[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential"   | DHS (15); FTC (68)  | 83                                       |
| *15 U.S.C. § 57b-2(f)         | Certain investigative materials received by the Federal Trade Commission and "provided pursuant to compulsory process under this subchapter or which is provided voluntarily in place of such compulsory process" or "consumer complaint information obtained from a foreign source"  | FTC (126)   | 126                                      |
| 15 U.S.C. § 78u-6             | Information that could identify a whistleblower   | SEC (32)  | 32                                       |

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| 15 U.S.C. § 78x(d)   | Foreign securities authorities   | SEC (1)   | 1  |
| 15 U.S.C. § 80a-30c  | Information regarding investment company examination   | SEC (1)   | 1  |
| 15 U.S.C. § 80b-4  | Reports by investment adviser  | SEC (4)   | 4  |
| 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  | DOE (1)   | 1  |
| 15 U.S.C. § 1153   | Rules, regulations, and fees pertaining to the dissemination of technical, scientific, and engineering information   | DOC (1)   | 1  |
| *15 U.S.C. §§ 2055(a)(2), 2055(b)(1), 15 U.S.C. § 2055(b)(5) | Certain information reported to, or otherwise obtained by the Consumer Product Safety Commission which either contains or relates to a trade secret or is "subject to section 552(b)(4) of Title 5"  | USCPSC (230)                                      | 230                                      |
| 15 U.S.C. § 2074(c)  | Information that identifies persons or those treating injured persons, absent consent  | USCPSC (63)                                       | 63                                       |
| *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 (3)  | 3  |
| 15 U.S.C. § 4305(d)  | Information submitted under the National Cooperative Research and Production Act of 1993   | DOJ (1)   | 1  |
| 16 U.S.C. § 470aaa-8   | Information concerning the nature and specific location of a paleontological resource  | DOI (4)   | 4  |
| *16 U.S.C. § 470hh   | Information pertaining to the nature and location of certain archaeological resources  | USDA (23); DOD (10); DOI (34); FERC (10); TVA (2) | 79                                       |
| 16 U.S.C. § 470w-3   | Information about the location, character, or ownership of a historic resource   | DOD (6)   | 6  |
| 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 (8)   | 8  |
| 16 U.S.C. § 4304(a)  | Specific location of significant caves   | DOI (1)   | 1  |
| *18 U.S.C. § 208(d)(1)                                       | Providing that "a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) [from application of penalties for acts affecting personal financial interests determined to constitute bribery, graft, or conflict of interest] shall be made available to the public," but exempting from this disclosure requirement "any information contained in the determination that would be exempt from disclosure under section 552 of title 5" | DOJ (2)   | 2  |
| *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 (2)                             | 3  |
| *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 (415)   | 415                                      |

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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  | DOD (44); DHS (3); DOJ (101); NARA (6); USPS (2)   | 156                                      |
| *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 (45)   | 45                                       |
| 18 U.S.C. § 3153            | Information regarding pre-trial services  | DOJ (5)  | 5  |
| *18 U.S.C. § 3509(d)        | Certain records containing identifying information pertaining to children involved in criminal proceedings  | DOD (194); DHS (1); DOJ (16)   | 211                                      |
| *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   | DOJ (14)   | 14                                       |
| *18 U.S.C. § 5038           | Records of juvenile delinquency proceedings   | USDA (3); DOD (1); DOJ (5)   | 9  |
| *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 (2); USITC (6)   | 8  |
| *19 U.S.C. § 2155(g)        | Certain information in connection with trade negotiations   | USTR (7)   | 7  |
| *20 U.S.C. § 1099c-1        | Certain program review reports and institutional responses until the Department of Education issues a final program review determination  | ED (6)   | 6  |
| *21 U.S.C. § 331(j)         | Certain information "concerning any method or process which as a trade secret is entitled to protection"  | HHS (20)   | 20                                       |
| 21 U.S.C. § 350d(a)4        | Food Registration Documents   | HHS (1)  | 1  |
| 21 U.S.C. § 355             | Any information or documentary material that may have been filed pursuant to a pharmaceutical agreement notification  | FTC (2)  | 2  |
| 21 U.S.C. § 1904(e)(3)      | Information related to foreign narcotics traffickers  | DOJ (1); Treasury (3)  | 4  |
| *22 U.S.C. §§ 1461, 1461-1a | Certain program information prepared by the United States Information Agency  | State (4)  | 4  |
| *22 U.S.C. § 2778(e)        | Certain information pertaining to export license applications   | DOD (10); DOE (1); State (1); NASA (11)  | 25                                       |
| 25 U.S.C. § 1675(g)         | Medical quality assurance records   | HHS (1)  | 1  |
| *25 U.S.C. § 2103(c)        | Information related to decisions to grant/disapprove minerals agreements for Indian tribes  | DOI (1)  | 1  |
| *26 U.S.C. §§ 6103, 6105    | Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information   | DOD (7); DOE (9); HHS (22); DHS (2074); DOJ (195); DOL (1); DOI (3); Treasury (2140); VA (24); FMC (2); GSA (2); MSPB (1); NARA (9); SBA (17); SSA (7) | 4513                                     |
| 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 (2)   | 2  |
| 31 U.S.C. § 3729            | Certain false claims investigation information  | FHFA (1)   | 1  |
| 31 U.S.C. § 3730(b)(2)      | Records pertaining to civil actions for false claims against the United States Government   | ED (1); DOJ (7); GSA (1)   | 9  |

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| 31 U.S.C. § 5311  | Records and reports on monetary instruments transactions  | DOJ (24)  | 24                                       |
| *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  | DHS (15); DOJ (12); Treasury (498); FDIC (1); OPM (1646)  | 2172                                     |
| 34 U.S.C. § 10231   | Certain research and statistical data obtained pursuant to this section   | DOJ (5)   | 5  |
| *35 U.S.C. § 122  | Applications for patents; certain information pertaining to applications for patents  | DOC (16)  | 16                                       |
| 35 U.S.C. § 205   | Information relating to government invention information  | DOT (1); VA (1)   | 2  |
| *38 U.S.C. § 5701   | "All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of [VA]" | VA (1457)   | 1457                                     |
| *38 U.S.C. § 5705   | Records created by VA as part of its medical quality assurance program; certain other information pertaining to VA's medical quality assurance program  | DOJ (2); VA (65)  | 67                                       |
| *38 U.S.C. § 7332   | Records of patients being treated for certain conditions  | VA (3250)   | 3250                                     |
| 38 U.S.C. § 7451  | Information collected in VA nurse and other health-care personnel wage surveys  | VA (4)  | 4  |
| 39 U.S.C. § 410(c)(1)                                     | Records relating to names and addresses of postal customers   | USPS (428)  | 428                                      |
| *39 U.S.C. § 410(c)(2)                                    | Commercial information which would not be disclosed under good business practice  | USPS (260)  | 260                                      |
| 39 U.S.C. § 410(c)(3)                                     | Information prepared for use in the negotiation of collective bargaining agreements under 39 U.S.C. Chapter 12 and minutes or notes kept during the negotiating sessions  | USPS (5)  | 5  |
| 39 U.S.C. § 410(c)(4)                                     | Information prepared for proceedings under 39 U.S.C. Chapter 36, relating to rates, classification, and service charges   | USPS (2)  | 2  |
| 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 (4)  | 4  |
| 39 U.S.C. § 412   | Records containing lists of postal customers  | USPS (12)   | 12                                       |
| *41 U.S.C. § 4702(b) (formerly at 41 U.S.C. § 253b(m)(1)) | 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  | NRPC (3); USDA (9); DOD (30); ED (3); DOE (2); HHS (60); DHS (27); HUD (2); DOJ (5); State (32); DOI (29); Treasury (4); DOT (6); EPA (1); FRTIB (2); FTC (1); GSA (7); NSF (1); OPM (4); OPIC (1); PBGC (7); SEC (2); SSA (4); TVA (6); USAID (9); VA (43) | 300                                      |

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| *41 U.S.C. § 2102(a) (amending 41 U.S.C. § 423(a)(1)) | Contractor bid or proposal information; source selection information   | CFPB (1); DOC (1); DOD (23); ED (2); DOE (5); DHS (10); DOJ (3); DOI (2); DOT (4); GSA (9); NASA (4); NARA (1); PBGC (1); SEC (2); USAID (1); USIBWC (1); VA (22) | 194                                      |
| 42 U.S.C. § 242m(d)                                   | Identifiable information for certain research and statistical activities   | HHS (15)  | 15                                       |
| 42 U.S.C. § 247d-6b(d)                                | Information identifying the location at which materials in the stockpile under subsection (a) of this section  | HHS (1); SEC (3)  | 4  |
| 42 U.S.C. § 262a(h)                                   | Bioterrorism-related information   | HHS (14)  | 14                                       |
| *42 U.S.C. § 282(j)(6)                                | Information submitted for publication on clinicaltrials.gov that is not otherwise publicly available   | HHS (10)  | 10                                       |
| *42 U.S.C. § 300aa12(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" | HHS (6); DOJ (11)   | 17                                       |
| *42 U.S.C. § 405(r)                                   | Death certificates and records pertaining to deaths provided to the Commissioner of Social Security under this subsection  | SSA (2)   | 2  |
| 42 USC § 1320c-9(a)                                   | Information related to Quality Improvement Organization records  | 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; DHS - Information pertaining to charges of unlawful employment practices; information obtained by the EEOC in investigating charges of unlawful employment practices                               | EEOC (1532)   | 1532                                     |
| 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 discrimination practices  | EEOC (704)  | 704                                      |
| *42 U.S.C. §§ 2162, 2167, 2168(a)(1)                  | "Restricted Data" pertaining to atomic weapons and special nuclear material  | DOD (23); DOE (9); NARA (22); USNRC (1)   | 79                                       |
| *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 (14)  | 14                                       |
| 42 U.S.C. § 11137(b)(1)                               | National Practitioner Data Bank information  | HHS (3)   | 3  |
| 42 U.S.C. § 12117                                     | Americans with Disabilities Act charges, conciliation materials, required reports, and case file information   | EEOC (882)  | 882                                      |
| 42 U.S.C. § 7290dd-2                                  | Certain records relating to substance abuse  | SSA (2)   | 2  |
| *42 U.S.C. § 14132(b)(3)                              | Certain "stored DNA samples and DNA analyses"  | DOJ (1)   | 1  |
| 44 U.S.C. § 3501 note                                 | Data or information acquired under a pledge of confidentiality for exclusively statistical purposes  | DOL (8)   | 8  |

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| *45 U.S.C. § 362(d)   | Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity  | RRB (22)   | 22                                       |
| 46 U.S.C. § 40502(b)(1)                                       | Service Contracts entered into by an individual ocean common carrier or an agreement   | FMC (1)  | 1  |
| 46 U.S.C. § 42105   | Certain information submitted to FMC regarding shipping and foreign trade  | FMC (1)  | 1  |
| 46 U.S.C. § 42303(c)  | Certain reports or information regarding foreign shipping practices ordered by FMC   | FMC (1)  | 1  |
| *49 U.S.C. §§ 114(r), 114(s)                                  | Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title  | DHS (5366); DOJ (3); MSPB (1)  | 5370                                     |
| *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"   | DHS (1); NTSB (5)  | 6  |
| 49 U.S.C. § 1114(d)(1)  | Certain surface vehicle recordings and transcripts related to an accident investigated by the Board  | NTSB (3)   | 3  |
| 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. § 1136(d)   | Passenger lists  | NTSB (1)   | 1  |
| 49 U.S.C. § 20118(c)  | Railroad safety analysis records   | DOT (4)  | 4  |
| 49 U.S.C. § 30172(f)  | Information that could identify a whistleblower  | DOT (1)  | 1  |
| 49 U.S.C. § 30305(c)  | National Driver Registration information on certain individuals  | DOT (5)  | 5  |
| 49 U.S.C. § 31143(b)  | Identities of motor carrier safety complaints  | DOT (121)  | 121                                      |
| 49 U.S.C. § 40110(e)  | Contract proposal not incorporated into contract   | DOT (2)  | 2  |
| 49 U.S.C. § 40115(a)  | Information harmful to U.S. position in international aviation negotiations, or harmful to any U.S. international air carrier  | DOT (1)  | 1  |
| *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 | DHS (51); DOJ (1); DOT (51); MSPB (1)  | 104                                      |
| 49 U.S.C. § 40123(a)  | Aviation Safety Action Program voluntarily submitted information   | DOT (8)  | 8  |
| 49 U.S.C. § 46311   | Certain information from air carrier records that would either prejudice the United States in international negotiations or have an adverse effect on the competitive position of an air carrier   | DOT (5)  | 5  |
| 49 U.S.C. § 60138   | Certain information contained in pipeline facility response plans  | DOT (1)  | 1  |
| *50 U.S.C. § 3024(i)(1) (formerly at 50 U.S.C. § 403-1(i)(1)) | Intelligence sources and methods   | DOD (901); DOE (13); DOJ (765); MSPB (1); NARA (169); ONDCP (3); ODNI (153)                                | 3087                                     |
| *50 U.S.C. § 3507 (formerly at 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"  | CIA (1255); DOD (18); DHS (4); DOJ (70); State (20); MSPB (1); NARA (105); ONDCP (3); OPM (474); ODNI (25) | 1975                                     |
| *50 U.S.C. § 3605 (formerly at 50 U.S.C. § 402 note)          | Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees  | DOC (4); DOD (1061); DOJ (9); State (3); NARA (2); ONDCP (3)   | 1082                                     |
| 50 U.S.C. § 421   | Identities of U.S. undercover intelligence officers, agents, informants, and sources   | DOD (2)  | 2  |

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| <b>Statute</b>   | <b>Type of Information Protected by Statute</b>  | <b>Agency (Agencies) and No. of Times Cited</b>  | <b>Total No. of Citations in FY 2018</b> |
|--|--|--|--|
| 50 U.S.C. § 4565(c) (formerly at 50 U.S.C. app. § 2170(c))                                       | Information or documentary material filed with the Committee on Foreign Investment in the United States  | DOJ (1); Treasury (10)   | 11                                       |
| *50 U.S.C. § 4614(c)(1) (formerly at 50 U.S.C. app. § 2411(c))                                   | Information pertaining to license applications under the Export Administration Act   | DOC (6); DOD (1)   | 7  |
| 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 (2)  | 2  |
| *52 U.S.C. § 30109(a)(12)(A) (formerly at 2 U.S.C. § 437(a)(12)(A))                              | Any notification or investigation made under this section of the Federal Election Campaign Act pertaining to federal campaign funds  | FEC (14)   | 14                                       |
| *54 U.S.C. § 100707 (formerly at 16 U.S.C. § 5937)   | Information pertaining to: "endangered, threatened, rare, or commercially valuable" NPS resources  | DOI (7)  | 7  |
| 54 U.S.C. § 307103   | Information about the location, character or ownership of a historic resource  | DOI (18)   | 18                                       |
| *Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319     | Certain records pertaining to grand jury proceedings   | DOC (3); DOD (2); DHS (3); DOJ (505); DOL (1); State (1); DOI (5); Treasury (22); DOT (2); NARA (56); SBA (5); USPS (10) | 615                                      |
| *Fed. R. Crim. P. 32(c)(3)(A), enacted by Act of July 31, 1975, Pub. L. 94-64, § 2, 89 Stat. 370 | Presentence reports and recommendations  | DOJ (77)   | 77                                       |
| 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   | SIGAR (1); USPS (30)   | 31                                       |
| Pub. L. No. 102-190, 105 Stat. 1290, 1480-1481.  | Information concerning US personnel classified as POW/MIA during the Vietnam and Korean Conflicts (McCain Bill)  | DOD (1); NARA (1)  | 2  |
| Pub. L. No. 99-93, § 505, 99 Stat. 405, 438-39   | Information related to the settlement of claims before the Iran Tribunal   | Treasury (1)   | 1  |
| Pub. L. No. 103-236 Sec. 533   | Protection of certain Open Skies Treaty information  | DOD (2)  | 2  |
| *Pub. L. No. 111-83, 123 Stat. 2142  | Photographs related to the treatment of individuals engaged, captured, or detained after September 11, 2001  | DOD (2)  | 2  |
| Pub. L. No. 111-212, 124 Stat. 2302  | Information regarding contractor performance   | FRTIB (1)  | 1  |

*\*An asterisk indicates that this statute has been found to qualify under Exemption 3 of the FOIA by a federal court of law.*

*+OIP has compiled this chart using information reported by agencies in their Annual FOIA Reports for Fiscal Year 2018. OIP consolidated information from those reports 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 2018 Annual FOIA Reports is available on FOIA.gov.*





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| <b>Acronym</b>    | <b>Agency Name</b>                      |
|-------------------|---|
| <i>CIA</i>        | Central Intelligence Agency             |
| <i>CFPB</i>       | Consumer Financial Protection Bureau    |
| <i>CFTC</i>       | Commodity Futures Trading Commission    |
| <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>EAC</i>        | Election Assistance Commission          |
| <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>FCC</i>        | Federal Communications Commission       |
| <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             |



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| <b>Acronym</b> | <b>Agency Name</b>                                       |
|----------------|--|
| <i>FTC</i>     | Federal Trade Commission                                 |
| <i>GSA</i>     | General Services Administration                          |
| <i>MSPB</i>    | Merit Systems Protection Board                           |
| <i>NASA</i>    | National Aeronautics and Space Administration            |
| <i>NARA</i>    | National Archives and Records Administration             |
| <i>NLRB</i>    | National Labor Relations Board                           |
| <i>NRPC</i>    | National Railroad Passenger Corporation (Amtrak)         |
| <i>NSF</i>     | National Science Foundation                              |
| <i>NTSB</i>    | National Transportation Safety Board                     |
| <i>OGE</i>     | Office of Government Ethics                              |
| <i>OPIC</i>    | Overseas Private Investment Corporation                  |
| <i>OPM</i>     | Office of Personnel Management                           |
| <i>ODNI</i>    | Office of the Director of National Intelligence          |
| <i>OMB</i>     | Office of Management and Budget                          |
| <i>ONDCP</i>   | Office of National Drug Control Policy                   |
| <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>SIGAR</i>   | Special Inspector General for Afghanistan Reconstruction |
| <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>USIBWC</i>  | U.S. International Boundary and Water Commission         |



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| <b><i>Acronym</i></b> | <b>Agency Name</b>                  |
|-----------------------|-------------------------------------|
| <i>USITC</i>          | U.S. International Trade Commission |
| <i>USNRC</i>          | U.S. Nuclear Regulatory Commission  |
| <i>USPS</i>           | U.S. Postal Service                 |
| <i>USTR</i>           | U.S. Trade Representative           |