

**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2019 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 2019 |
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| 5 U.S.C. § 574(j) | Dispute resolution communications | DOD (2); ED (2); OSC (1); USDA (6) | 12 |
| 5 U.S.C. § 1213(h) | Identities of employees, former employees, or applicants for employment who make certain disclosures pursuant to this section | OSC (13) | 13 |
| *5 U.S.C. §§ 7114(b)(4), 7132 | Certain labor relations training and guidance materials | DHS (1); DOJ (2); EPA (2) | 4 |
| 5 U.S.C. app. 3 § 7(b) | Names of employees who provide information or complaints to the Inspector General | DOT (41); HHS (36); SIGAR (1); SEC (2); USAID (6); VA (6) | 92 |
| 5 U.S.C. app. § 105 | Financial disclosure reports and applications to inspect financial disclosure reports | OGE (24); VA (2) | 26 |
| *5 U.S.C. app. 4 § 107(a)(2) | Confidential financial disclosure report pertaining to certain government employees | DHS (1); DOD (2); DOI (2); DOJ (3); EPA (1); GSA (1); HHS (1); NLRB (1); OSC (1); OSTP (1); SEC (1); USAB (1); USTR (3) | 19 |
| 6 U.S.C. § 121 | Intelligence sources and methods | DHS (168) | 168 |
| 6 U.S.C. § 133(a)(1) | Protection of voluntarily shared critical infrastructure information | USAID (4) | 4 |
| 6 U.S.C. § 1504(d)(3)(B) | A cyber threat indicator or defensive measure shared with the federal government under the Cybersecurity Information Sharing Act of 2015 | DOJ (1) | 1 |
| *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 (9) | 9 |
| 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 (4) | 4 |
| *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]" | EPA (2) | 2 |
| *7 U.S.C. § 1502(c)(1) | Certain information furnished by a producer under the Federal Crop Insurance Act | USDA (19) | 19 |
| *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) | 6 |
| 7 U.S.C. § 8401 | Registration and transfer documentation for listed biological agents and toxins, and information derived therefrom | HHS (2) | 2 |

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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 (247) | 247 |
| *8 U.S.C. § 1202(f) | Certain records pertaining to the issuance or refusal of visas to enter the United States | DHS (38248); DOJ (2); State (3925) | 42175 |
| 10 U.S.C. § 128 | Unclassified special nuclear weapons information | DOD (11) | 11 |
| *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 (92); DOJ (3) | 95 |
| *10 U.S.C. § 130b | Personally identifiable information pertaining to "any member of the armed forces assigned to an overseas unit, a sensitive unit, or a routinely deployable unit" and "any employee of the Department of Defense or of the Coast Guard whose duty station is with any such unit" | DHS (1); DOD (682); DOJ (4) | 687 |
| *10 U.S.C. § 130c | Certain "sensitive information of foreign governments" and certain international organizations | DOD (35); DOJ (1); MCC (2) | 38 |
| 10 U.S.C. § 130e | DOD Critical Infrastructure Security information | DOD (46) | 46 |
| *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 | DHS (1); DOD (277); DOJ (5); NARA (6); ONDCP (5); State (2) | 296 |
| 10 U.S.C. § 455 | Maps, charts, and geodetic data | DOD (2) | 2 |
| 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(f) | Medical quality assurance records created by or for the Department of Defense as part of a medical quality assurance program | DOD (1); DOJ (2) | 3 |
| 10 U.S.C. §§ 1506(d), 1506(f) | Debriefing of a missing person returned to U.S. control from July 8, 1959, forward | NARA (1) | 1 |
| *10 U.S.C. § 2305(g) | Certain contractor proposals | DHS (6); DOD (133); DOJ (3); NASA (8) | 150 |
| 10 U.S.C. § 2371(i) | Research projects: transactions other than contracts and grants | DOD (1) | 1 |
| 10 U.S.C. § 2485(h) | Limitations on release of Commissary Commercially Valuable Information | DOD (1) | 1 |
| *13 U.S.C. §§ 8(b), 9(a) | Certain census data | DOC (4); DOJ (1) | 5 |
| *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 (19); FTC (32) | 51 |
| *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" and certain investigative materials received by the FTC and "provided pursuant to any compulsory process under this subchapter or which is provided voluntarily in place of such compulsory process" | FTC (90) | 90 |
| 15 U.S.C. § 78u-6 | Information that could identify a whistleblower | SEC (27) | 27 |

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| 15 U.S.C. § 78x(d) | Foreign securities authorities | SEC (1) | 1 |
| 15 U.S.C. § 80b-4 | Reports by investment adviser | SEC (2) | 2 |
| 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 | USDA (1) | 1 |
| *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 (3) | 3 |
| *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 (98) | 98 |
| 15 U.S.C. § 2074(c) | Information that identifies persons or those treating injured persons, absent consent | USCPSC (77) | 77 |
| *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 | HHS (1) | 1 |
| 15 U.S.C. § 4305(d) | Information submitted under the National Cooperative Research and Production Act of 1993 | DOJ (1) | 1 |
| *15 U.S.C. § 6801 | Nonpublic personal information of customers of financial institutions | DOJ (1) | 1 |
| 15 U.S.C. § 7215(b)(5) | Certain information prepared or received by or specifically for the Public Company Accounting Oversight Board (PCAOB) | SEC (1) | 1 |
| *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 (2) | 2 |
| 16 U.S.C. § 470aaa-8 | Information concerning the nature and specific location of a paleontological resource | DOI (5) | 5 |
| *16 U.S.C. § 470hh | Information pertaining to the nature and location of certain archaeological resources | DOD (24); DOI (41); FERC (12); TVA (3); USDA (29) | 109 |
| 16 U.S.C. § 470w-3 | Information about the location, character, or ownership of a historic resource | DOD (18); DOT (1) | 19 |
| 16 U.S.C. § 824o-1(d) | Information pertaining to Critical Electric Infrastructure Security | USNRC (2) | 2 |
| 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 (7) | 7 |
| *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 | Treasury (4) | 4 |
| *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 (570); DOJ (2) | 572 |
| *18 U.S.C. §§ 2510, <i>et seq.</i> | Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps | DHS (7); DOJ (80); NARA (9) | 96 |

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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" | DOJ (50) | 50 |
| 18 U.S.C. § 3153 | Information regarding pre-trial services | DOJ (2) | 2 |
| *18 U.S.C. § 3509(d) | Certain records containing identifying information pertaining to children involved in criminal proceedings | DHS (10); DOD (197); DOJ (33); USPS (1) | 241 |
| *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 (8) | 8 |
| *18 U.S.C. § 4208(c) | Certain records pertaining to parole determination proceedings | DOJ (1) | 1 |
| *18 U.S.C. § 5038(a) | Records of juvenile delinquency proceedings | DOD (2); DOJ (19) | 21 |
| *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" | USITC (1) | 1 |
| *19 U.S.C. § 2155(g) | Certain information in connection with trade negotiations that is "submitted in confidence" | USTR (11) | 11 |
| *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 (3) | 3 |
| *21 U.S.C. § 331(j) | Certain information "concerning any method or process which as a trade secret is entitled to protection" | HHS (1) | 1 |
| 21 U.S.C. § 350d(a)4 | Food Registration Documents | HHS (3) | 3 |
| 21 U.S.C. § 355 | Any information or documentary material that may have been filed pursuant to a pharmaceutical agreement notification | FTC (1) | 1 |
| 21 U.S.C. § 1904(e)(3) | Information related to foreign narcotics traffickers | Treasury (1) | 1 |
| *22 U.S.C. § 2778(e) | Certain information pertaining to export license applications | DOD (6); DOE (2); DOJ (2); NASA (18) | 28 |
| *26 U.S.C. §§ 6103, 6105 | Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information | DHS (4341); DOD (12); DOE (9); DOI (3); DOJ (163); FMC (3); HHS (183); NARA (17); SBA (6); SSA (11); Treasury (1933); VA (4) | 6685 |
| *28 U.S.C. § 652(d) | "[C]onfidential dispute resolution communications" | DOJ (2); ED (1) | 3 |
| 29 U.S.C. § 1310(c) | Any information or documentary material submitted to the [agency] pursuant to . . . section [1310 of title 29 of the United States Code] | PBGC (2) | 2 |
| 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 (5) | 5 |
| 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 | DOC (1); DOE (2); DOJ (4); ED (1); FHFA (1); GSA (3); Treasury (5) | 17 |
| 31 U.S.C. § 5311 | Records and reports on monetary instruments transactions | DOJ (5) | 5 |

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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 | DHS (9); DOJ (10); FDIC (2); OPM (1646); SEC (1); Treasury (209) | 1877 |
| 34 U.S.C. § 10231 | Certain research and statistical data obtained pursuant to this section | DOJ (15) | 15 |
| *35 U.S.C. § 122 | Applications for patents; certain information pertaining to applications for patents | DOC (31) | 31 |
| 35 U.S.C. § 205 | Information relating to government invention information | HHS (2); VA (2) | 4 |
| 35 U.S.C. § 209(f) | Plans of a licensee for development or marketing of a federally owned invention | HHS (1) | 1 |
| *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 (997) | 997 |
| *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 | VA (52) | 52 |
| *38 U.S.C. § 7332 | Records of patients being treated for certain conditions | DOJ (2); VA (1548) | 1550 |
| 38 U.S.C. § 7451 | Information collected in VA nurse and other health-care personnel wage surveys | VA (5) | 5 |
| 39 U.S.C. § 410(c)(1) | Records relating to names and addresses of postal customers | USPS (359) | 359 |
| *39 U.S.C. § 410(c)(2) | Commercial information which would not be disclosed under good business practice | DHS (4); USPS (217) | 221 |
| 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 (11) | 11 |
| 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 (1) | 1 |
| 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 (9) | 9 |
| 39 U.S.C. § 412 | Records containing lists of postal customers | USPS (27) | 27 |
| *41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1)) | Contractor bid or proposal information; source selection information | CFPB (2); CSOSA (10); DHS (4); DOC (1); DOD (21); DOE (4); DOI (6); DOJ (3); DOT (6); ED (2); GSA (13); NASA (11); USAID (1); USIBWC (3); VA (9) | 96 |
| *41 U.S.C. § 4702 (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 | CNCS (1), DHS (26); DOC (5); DOD (5); DOI (15); DOJ (4); DOL (1); DOT (3); ED (1); FRTIB (1); GSA (11); HHS (42); HUD (3); NSF (2); OPM (4); PBGC (3); SEC (1); SSA (5); State (1); Treasury (3); TVA (4); USAID (7); USDA (7); VA (41) | 196 |

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| 42 U.S.C. § 242m(d) | Identifiable information for certain research and statistical activities | HHS (10) | 10 |
| 42 U.S.C. § 247d-6b(d) | Information identifying the location at which materials in the stockpile under subsection (a) of this section | SEC (1) | 1 |
| *42 U.S.C. § 262a(h)(1) | Certain categories of information relating to biological agents and toxins | HHS (3) | 3 |
| 42 U.S.C. § 282(j)(6) | Information submitted for publication on clinicaltrials.gov that is not otherwise publicly available | HHS (1) | 1 |
| *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" | DOJ (12); HHS (2) | 14 |
| *42 U.S.C. § 405(r) | Death certificates and records pertaining to deaths provided to the Commissioner of Social Security under this subsection | SSA (5) | 5 |
| 42 USC § 1320c-9(a) | Information related to Quality Improvement Organization records | HHS (2) | 2 |
| *42 U.S.C. §§ 2000e-5(b), 2000e-8(e) | Information pertaining to charges of unlawful employment practices; information obtained by the EEOC in investigating charges of unlawful employment practices | EEOC (1681) | 1681 |
| 42 U.S.C. § 2000ff-6 | Information pertaining to charges of unlawful employment discrimination practices | EEOC (2534) | 2534 |
| *42 U.S.C. §§ 2162, 2167, 2168(a)(1) | "Restricted Data" pertaining to atomic weapons and special nuclear material and certain safeguards information for nuclear material | DOD (12); DOE (14); NARA (17) | 43 |
| *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 (18) | 18 |
| 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 (1) | 1 |
| 42 U.S.C. § 11137(b)(1) | National Practitioner Data Bank information | HHS (7) | 7 |
| 42 U.S.C. § 12117 | Americans with Disabilities Act charges, conciliation materials, required reports, and case file information | EEOC (1061) | 1061 |
| 44 U.S.C. § 3501 note | Data or information acquired under a pledge of confidentiality for exclusively statistical purposes | DOT (1); FRB (1); FRTIB (1); DOL (11) | 14 |
| *45 U.S.C. § 362(d) | Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity | RRB (29) | 29 |
| 46 U.S.C. § 40306 | Agreement information and documents filed with the FMC (other than Agreements) | FMC (2) | 2 |
| 46 U.S.C. § 42303(c) | Certain reports or information regarding foreign shipping practices ordered by FMC | FMC (1) | 1 |

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| *49 U.S.C. § 114(r), (formerly at 49 U.S.C. § 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 (4695) | 4695 |
| *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 (4) | 4 |
| 49 U.S.C. § 1114(d)(1) | Certain surface vehicle recordings and transcripts related to an accident investigated by the 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 | DOT (1); NTSB (4) | 5 |
| 49 U.S.C. § 20118(c) | Railroad safety analysis records | DOT (2) | 2 |
| 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 (2) | 2 |
| 49 U.S.C. § 31105(h)(1) | Names of certain motor carrier employees | DOT (3) | 3 |
| 49 U.S.C. § 31143(b) | Identities of motor carrier safety complaints | DOT (227) | 227 |
| 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 (3) | 3 |
| x49 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 | DOJ (2); DOT (40) | 42 |
| 49 U.S.C. § 40123(a) | Aviation Safety Action Program voluntarily submitted information | DOT (20) | 20 |
| 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 (7) | 7 |
| 49 U.S.C. § 60138 | Certain information contained in pipeline facility response plans | DOT (3) | 3 |
| 50 U.S.C. § 421 | Identities of U.S. undercover intelligence officers, agents, informants, and sources | DOD (1) | 1 |
| 50 U.S.C. § 1702(a)(1) | Certain information related to emergency seizure of foreign assets by the President | DOJ (1) | 1 |
| 50 U.S.C. § 4555(d) | Information obtained under the Defense Production Act of 1950 that the President deems confidential or the person furnishing such information requests confidential treatment of the information | DOC (1) | 1 |
| *50 U.S.C. § 3024(i)(1) (formerly at 50 U.S.C. § 403-1(i)(1)) | Intelligence sources and methods | DHS (160); DOD (1273); DOE (12); DOJ (1608); NARA (181); ODNI (204); OPIC (1); State (3) | 3442 |
| *50 U.S.C. § 3141(a) (formerly at 50 U.S.C. § 431) | "[O]perational files of the Central Intelligence Agency" | DOJ (1) | 1 |
| *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 (1028); DHS (25); DOD (2); DOJ (56); NARA (57); ODNI (42); ODNCP (5); OPM (474); State (2) | 1691 |
| *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 | DOD (985); DOJ (5); NARA (4); ONDCP (5) | 999 |

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| 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 | DHS (7); DOC (1); Treasury (1); USTR (1) | 10 |
| 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 (15) | 15 |
| *54 U.S.C. § 100707 (formerly at 16 U.S.C. § 5937) | Information pertaining to: "endangered, threatened, rare, or commercially valuable" NPS resources; "mineral or paleontological objects within units of the National Park System"; or "objects of cultural patrimony within units of the National Park System" | DOI (8) | 8 |
| 54 U.S.C. § 307103 | Information about the location, character or ownership of a historic resource | DOD (9); DOI (22) | 31 |
| *Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319 | Certain records that would reveal some secret aspect pertaining to grand jury proceedings | DHS (11); DOD (3); DOI (2); DOJ (1168); DOT (2); EPA (3); HHS (2); NARA (33); SBA (1); SSA (1); State (1); Treasury (7); USPS (4) | 1238 |
| *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 (31) | 31 |
| 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 | DOD (7); USPS (28) | 35 |
| 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) | 1 |
| 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 (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 | DOJ (134) | 134 |
| *Pub. L. No. 111-83, 123 Stat. 2142 | Certain photographs related to the treatment of individuals engaged, captured, or detained after September 11, 2001. | DOD (1) | 1 |
| *Pub. L. No. 115-232 (formerly at 50 U.S.C. § 4614(c)(1)) | Information pertaining to license applications under the Export Administration Act | DOC (2); DOJ (1) | 3 |

* 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 2019. 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 2019 Annual FOIA Reports is available on FOIA.gov.

x Subsequent to this reporting cycle, OIP learned that this statute had been repealed. However, the information previously covered by this statute continues to be protected by 49 U.S.C. § 114(r), (formerly at 49 U.S.C. § 114(s)), which has been found by courts to be a qualified Exemption 3 statute.



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA as Reported in Fiscal Year 2019 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

| Acronym | Agency Name |
|-----------------|--|
| <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>CSOSA</i> | Court Services and Offender Supervision Agency |
| <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>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>FRB</i> | Federal Reserve Board |
| <i>FRTIB</i> | Federal Retirement Thrift Investment Board |
| <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 2019 Annual FOIA Reports

U.S. Department of Justice
Office of Information Policy

| Acronym | Agency Name |
|----------------|--|
| <i>MCC</i> | Millennium Challenge Corporation |
| <i>NASA</i> | National Aeronautics and Space Administration |
| <i>NARA</i> | National Archives and Records Administration |
| <i>NLRB</i> | National Labor Relations Board |
| <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>ONDCP</i> | Office of National Drug Control Policy |
| <i>OSC</i> | Office of Special Counsel |
| <i>OSTP</i> | Office of Science and Technology 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>TVA</i> | Tennessee Valley Authority |
| <i>USAB</i> | United States Access Board |
| <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 |
| <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 |