

Freedom of Information Act (FOIA) Exemptions

(1) Exemption 1: Classified Information. Exemption 1 protects from disclosure national security information concerning the national defense or foreign policy, provided it has been properly classified in accordance with the substantive and procedural requirements of Executive Order 12958, Classified National Security Information.

(2) Exemption 2: Internal Matters. Exemption 2 protects from disclosure records that relate to internal personnel rules and practices of the agency. This exemption protects internal documents, the disclosure of which would risk circumvention of a statute or agency regulation, or impede the effectiveness of an agency's activities.

(3) Exemption 3: Information Protected by Other Statutes. Exemption 3 incorporates the disclosure prohibitions that are contained in other statutes. A statute must require withholding without permitting any discretion, or establish particular criteria for withholding or refer to particular types of matter to be withheld.

(4) Exemption 4: Business or Trade Information. Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

(5) Exemption 5: Privileged Information. Exemption 5 protects inter-agency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the agency. The three most frequently invoked privileges are the deliberative process, the attorney work-product and the attorney-client.

(6) Exemption 6: Personal Privacy. Exemption 6 protects information in personnel, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

(7) Exemption 7: Law Enforcement Records. Exemption 7 applies to criminal, civil, and regulatory law enforcement records.

(a) Exemption 7(A)—Authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings."

(b) Exemption 7(B)—Protects "records or information compiled for law enforcement purposes, the disclosure of which would deprive a person of a right to a fair trial or an impartial adjudication."

(c) Exemption 7(C)—Provides protection for personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(d) Exemption 7(D)—Provides protection for "records or information compiled for law enforcement purposes, which could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

(e) Exemption 7(E)—Affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

(f) Exemption 7(F)—Permits the withholding of information necessary to protect the physical safety of any individual when disclosure of information about him/or her could reasonably be expected to endanger his/or her life or physical safety.

(8) Exemption 8: Bank Records. Exemption 8 protects information that is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Exemption 9: Well Information. Exemption 9 protects geological and geophysical information and data, including maps, concerning wells.