

**EXPLANATION OF EXEMPTIONS**  
**FREEDOM OF INFORMATION ACT (5 USC § 552) \***

Exemption 1 – (b)(1)	Applies to information that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy (See Executive Order and DoD Regulation 5400.1-R).
Exemption 2 – (b)(2)	Applies to information that pertains solely to the internal rules and practices of the agency. This exemption permits withholding of a document that, if released, would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission.
Exemption 3 – (b)(3)	Applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed.
Exemption 4 – (b)(4)	Applies to information such as trade secrets and commercial and financial information obtained from a company on a privileged or confidential basis which, if released, would result in competitive harm to the company; or would impair the government from obtaining like information in the future; or would affect overall program effectiveness.
Exemption 5 – (b)(5)	Applies to inter- and intra-agency memoranda which are deliberative in nature; this exemption is appropriate for internal documents which are part of the decision making process, and contain subjective evaluations, opinions and recommendations; a document must be both deliberative and part of a decision-making process to qualify for this exemption.
Exemption 6 – (b)(6)	Applies to information, which, if released, would constitute a clearly unwarranted invasion of the personal privacy of individuals.
Exemption 7 – (b)(7)	Applies to records or information compiled for law enforcement purposes that (A) could reasonably be expected to interfere with law enforcement proceedings; (B) would deprive a person of a right to a fair trial or impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; (D) disclose the identity of a confidential source; (E) disclose investigative techniques and procedures; or (F) could reasonably be expected to endanger the life or physical safety of any individual.

\* See Chapter 3 of DoD Regulation 5400.7-R for further information.