

FREEDOM OF INFORMATION ACT

EXEMPTIONS AND EXCLUSIONS

Exemption 1: National security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with Executive Order 13526.

Exemption 2: Information related solely to the internal personnel rules and practices of an agency.

Exemption 3: Information specifically prohibited from disclosure by other federal statute.

Exemption 4: Trade secrets and commercial or financial information that is privileged or confidential.

Exemption 5: Privileged protects communications within or between agencies, including those protected by the:

- Deliberative Process Privilege (provided the records were created less than 25 years before the date on which they were requested)
- Attorney-Work Product Privilege
- Attorney-Client Privilege

Exemption 6: Information in individual's personnel, medical or similar file, which if disclosed, would constitute a clearly unwarranted invasion of personal privacy.

Exemption 7: Investigatory files compiled for law enforcement purposes, when disclosure could or would:

7(A) – Reasonably be expected to interfere with enforcement proceedings.

7(B) – Deprive a person of a right to a fair trial or an impartial adjudication.

7(C) – Reasonably be expected to constitute an unwarranted invasion of personal privacy

7(D) – Reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source.

7(E) – Disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

7(F) – Reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: Information for agencies responsible for the regulation or supervision of financial institutions.

Exemption 9: Geological and geophysical information and data, including maps, concerning wells.

Records falling within an exclusion are not subject to the requirements of FOIA

Exclusion 1: Protects the existence of an ongoing criminal law enforcement investigation when the subject of the investigation is unaware that it is pending and disclosure could reasonably be expected to interfere with enforcement proceedings

Exclusion 2: Limited to criminal law enforcement agencies and protects the existence of informant records when the informant's status has not been officially confirmed.

Exclusion 3: Limited to the Federal Bureau of Investigation and protects the existence of foreign intelligence or counterintelligence, or international terrorism records when the existence of such records is classified.