

FOIA Exemptions and Exclusions

The Freedom of Information Act provides that the agency will provide access to identifiable documents within its possession unless one of nine exemptions or three exclusions applies. The exact language of the law and its exemptions can be found in the FOIA, 5 USC 552, <http://www.justice.gov/oip/amended-foia-redlined.pdf>.

Nine Exemptions

Exemption One: Classified national defense and foreign relations information.

Exemption Two: Internal agency personnel rules and practices.

Exemption Three: Information that is prohibited from disclosure by another federal law.

Exemption Four: Trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption Five: Inter-agency or intra-agency memoranda or letters that are protected by legal privileges.

Exemption Six: Personnel, medical, financial, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Certain types of information compiled for law enforcement purposes.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

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

Three Exclusions

(c)(1) Exclusion: Subject of a criminal investigation or proceeding is unaware of the existence of records concerning the pending investigation or proceeding and disclosure of such records would interfere with the investigation or proceeding.

(c)(2) Exclusion: Informant records maintained by a criminal law enforcement agency and the individual's status as an informant is not known.

(c)(3) Exclusion: Existence of FBI foreign intelligence, counterintelligence or international terrorism records are classified fact.