

LIST OF FOIA EXEMPTIONS

Enacted in 1966, the Freedom of Information Act (FOIA) established for the first time an effective statutory right of access to government information.

The Freedom of Information Act (FOIA) generally provides that any person has a right, enforceable in court, of access to federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of the nine exemptions specified in the law.

Exemptions:

5 U.S.C. 552(b)(1) — (A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order.

5 U.S.C. 552(b)(2) — Related solely to the internal personnel rules and practices of an agency.

5 U.S.C. 552(b)(3) — Specifically exempted from disclosure by statute (other than section 552b of this title), if that statute— (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.¹

5 U.S.C. 552(b)(4) — Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

5 U.S.C. 552(b)(5) — Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. The three primary, most frequently invoked privileges are: (1) deliberative process privilege, (2) the attorney work-product privilege and (3) the attorney-client privilege.

5 U.S.C. 552(b)(6) — Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5 U.S.C. 552(b)(7) — Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...

5 U.S.C. 552(b)(8) — 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.

5 U.S.C. 552(b)(9) — Geological and geophysical information and data, including maps, concerning wells.

¹ As amended by the OPEN FOIA Act of 2009