

## **FOIA Exemptions**

Records that meet the FOIA exemption criteria may be withheld from public disclosure and do not have to be published in the Federal Register, made available in a library reading room, or provided in response to a FOIA request. The following types of records may be withheld in whole or in part from public disclosure under the FOIA:

Exemption 1: Those properly and currently classified in the interest of national defense/security or foreign policy. If the information qualifies as exemption 1, there is no discretion regarding its release.

Exemption 2: Those related solely to the internal personnel rules and practices of the Department of Defense or any of its components.

Exemption 3: Those concerning matters that a statute specifically exempts from disclosure by terms that permit no discretion on the issue. A few examples of such statutes are patent secrecy, restricted data, communication intelligence, confidentiality of medical quality, contractor proposals, etc.

Exemption 4: Those containing trade secrets or commercial or financial information that a DoD component receives from a person or organization outside the government. The disclosure of such records will likely cause substantial harm to the competitive position of the source providing the information.

Exemption 5: Those containing information considered privileged in litigation, primarily under the deliberative process privilege.

Exemption 6: Information of personnel and medical files, as well as similar personal information in other files, that would result in a clearly unwarranted invasion of personal privacy.

Exemption 7: Records or information compiled for law enforcement purposes; i.e., civil criminal, or military law, including the implementation of executive orders or regulations issued pursuant to law.

Exemption 8: Records pertaining to the regulation or supervision of financial institutions.

Exemption 9: Those records containing geological and geophysical information and data (including maps) concerning wells.