

PA Exemptions

The Privacy Act (5 USC 552a) generally provides that any person has a right—enforceable in court—of access to federal agency records in which that person is a subject, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions. When a portion of a record is withheld from public release, the subsection of the Privacy Act law describing that exemption or exemptions may be found listed in the margin next to the space where the withheld text would have been found. The list below describes the type of material withheld under each subsection of the Privacy Act. Exemptions:

(d)(5) Information compiled in reasonable anticipation of a civil action proceeding.

(j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law, including efforts to prevent, control, or reduce crime or to apprehend criminals.

(k)(1) Information that is currently and properly classified pursuant to an executive order in the interest of the national defense or foreign policy—for example, information involving intelligence sources or methods.

(k)(2) Investigative material compiled for law enforcement purposes, other than criminal, which did not result in the loss of a right, benefit, or privilege under federal programs or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence.

(k)(3) Material maintained in connection with providing protective services to the U.S. President or any other individual pursuant to the authority of Title 18, U. S. Code, Section 3056.

(k)(4) Required by statute to be maintained and used solely as statistical records.

(k)(5) Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence.

(k)(6) Testing or examination material used to determine individual qualifications for appointment or promotion in federal government service—the release of which would compromise the testing or examination process.

(k)(7) Material used to determine the potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.