

## EXPLANATION OF EXEMPTIONS

### FREEDOM OF INFORMATION ACT:

- (b)(1) applies to material which is properly classified pursuant to an Executive Order in the interest of national defense or foreign policy (see Exec Order 12356 on reverse);
- (b)(2) applies to information which pertains solely to the internal rules and practices of the Agency;
- (b)(3) applies to information specifically exempted by a statute establishing particular criteria for withholding. NOTE: CIA & NSA have such laws, DIA does not (e.g., CIA Act of 1949). DIA can cite the National Security Act of 1947 on occasion, as when requested by CIA. And when unclassified controlled nuclear information is involved, cite 10 U.S.C. 128 as authority for withholding the material from FOIA requesters;
- (b)(4) applies to information such as trade secrets and commercial or financial information obtained from a person on a privileged or confidential basis;
- (b)(5) is designed to protect, advice, analysis, recommendations, and opinions that are part of the decision making process.
- (b)(6) applies to information which if released would constitute an unwarranted invasion of the personal privacy of other individuals; and
- (b)(7) applies to investigatory records, release of which could (C) constitute an unwarranted invasion of the personal privacy of others, (D) disclose the identity of a confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

**PRIVACY ACT:** A request from an individual for notification as to the existence of, access to, or amendment of records pertaining to that individual.

- (b) applies to information concerning other individuals which may not be released without their written consent;
- (k)(1) applies to information and material properly classified pursuant to an Executive Order in the interest of national defense or foreign policy;
- (k)(3) applies to records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C., Section 3506;
- (k)(5) applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, release of which would disclose a confidential source;
- (k)(6) applies to 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; and
- (k)(7) applies to evaluation material used to determine potential for promotion in the Military Services, but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

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