

## 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 use (b)(3) when requested by these agencies on information originated by them;
- (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) applies to inter- and intra-agency memoranda which are advisory in nature;
- (b)(6) applies to information release of which 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.