



August 27, 2024

Freedom of Information Appeal
Deputy Director
U.S. Secret Service
Communications Center
245 Murray Lane, SW, Building T-5
Washington, DC 20223

Freedom of Information Act Appeal: Denial of FOIA File No. 20241016

Dear Deputy Director:

America First Legal Foundation (AFL) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.

On July 13, 2024, AFL submitted a Freedom of Information Act (FOIA) Request to the Department of Homeland Security (DHS) requesting:

1. All communications between the United States Secret Service and any email address ending in “@hq.dhs.gov” relating to the protective detail of former President Donald J. Trump.
2. All records in the custody of Secretary Alejandro Mayorkas, Senior Official Performing the Duties of Deputy Secretary, Kristie Canegallo, and any other official in the DHS Front Office pertaining to increased security for former President Donald J. Trump.
3. Records of all documents and communications from the Office of Intelligence and Analysis and the DHS Front Office or United States Secret Service relating to threats against President Trump.

Exhibit 1.

On July 17, 2024, DHS transferred item 1 of the request to the United States Secret Service (USSS). Exhibit 2. On July 31, 2024, USSS responded that “pursuant to Title 5 U.S.C. § 552(B)(7)(A), any potentially responsive records, if they exist, are exempt as disclosure could reasonably be expected to interfere with enforcement proceedings.

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

The citation of the above exemption is not to be construed as the only exemption which may be available under the FOIA.” Exhibit 3. By this letter, AFL appeals this determination.

I. Standard of Review

The Freedom of Information Act broadly requires USSS to disclose federal records freely and promptly. *Dep’t of Just. v. Rep. Comm. for Freedom of the Press*, 489 U.S. 749, 755 (1989); *FBI v. Abramson*, 456 U.S. 615, 621 (1982); *see also John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 151 (1989), *reh’g denied*, 493 U.S. 1064 (1990); *Dep’t of Air Force v. Rose*, 425 U.S. 352, 361 (1976); *Jud. Watch, Inc. v. U.S. Dep’t of Def.*, 847 F.3d 735, 738 (D.C. Cir. 2017); *Campbell v. U. S. Dep’t of Just.*, 164 F.3d 20, 27, 28 (D.C. Cir. 1998). At all times, USSS “bears the burden of proving the applicability of claimed exemptions,” and is bound to enforce the Freedom of Information Act in accordance with the ordinary public meaning of its terms at the time of its enactment and to carry out Congress’ open government mandate. *Project on Gov’t Oversight, Inc. v. U.S. Dep’t of Homeland Sec.*, 657 F. Supp. 3d 50, 56 (D.D.C. 2023) (quoting *Am. Civ. Liberties Union v. U.S. Dep’t of Def.*, 628 F.3d 612, 619 (D.C. Cir. 2011); *Bostock v. Clayton Cty., Georgia*, 590 U.S. 644, 654 (2020).

The FOIA “requires that federal agencies make records available to the public upon request, unless those records fall within one of nine exemptions.” *U.S. Fish & Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 263 (2021). The Supreme Court has “consistently stated that FOIA exemptions are to be *narrowly* construed.” *U.S. Dep’t of Just. v. Julian*, 486 U.S. 1, 8 (1988) (emphasis added). When invoking exceptions, “the burden is on the agency to sustain its action.” 5 U.S.C. § 552(a)(4)(B). Furthermore, “when an agency has officially acknowledged otherwise exempt information through prior disclosure, the agency has waived its right to claim an exemption with respect to that information.” *Am. Civ. Liberties Union v. CIA*, 710 F.3d 422, 426, (D.C. Cir. 2013). Furthermore, “an agency cannot justify withholding an entire document simply by showing that it contains some exempt material.” *Eddington v. U.S. Dep’t of Just.*, 581 F. Supp. 3d 218, 224 (D.D.C. 2022) (quoting *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977)). An agency shall “take reasonable steps necessary to segregate and release nonexempt information.” 5 U.S.C. § 552(a)(8)(A)(ii)(II).

II. Argument

USSS’s categorical denial of the request under Exemption 7(A) is inappropriate. The blanket denial of the request under the exemption covering “records or information compiled for law enforcement purposes” exceeds the scope of the exceptions to FOIA. These nine “limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act.” *Dep’t of Air Force v. Rose*, 425 U.S. at

361. By denying the entire request without any particularized rationale, USSS has not met its burden of showing why the requested material cannot be produced.

A. USSS did not conduct an adequate search

An agency “must have ‘conducted a search reasonably calculated to uncover all relevant documents’” in order to satisfy the requirements of FOIA. *Am. Oversight v. Dep’t of Homeland Sec.*, 691 F. Supp. 3d 109, 114 (D.D.C. 2023) (quoting *Aguiar v. Drug Enf’t Admin.*, 865 F.3d 730, 738 (D.C. Cir. 2017)). The burden is on the agency to show the adequacy of its search. *Accord Havemann v. Colvin*, 629 F. App’x 537, 529 (4th Cir. 2015) (“A defendant agency has the burden of establishing the adequacy of its search”); see, e.g., *Weisberg v. U.S. Dep’t of Just.*, 705 F.2d 1344 (D.C. Cir. 1983). To bear this burden, USSS must explain its search process in a way that is “‘relatively detailed’ and nonconclusory.” *Goland v. CIA*, 607 F.2d 339, 352 (D.C. Cir. 1978).

The blanket denial indicates that USSS failed to complete any search, much less an adequate search for the records described in the request. A single one-sentence line stating that Exemption 7(A) applied to *every responsive record* is not “‘relatively detailed’ and nonconclusory.” *Id.*

B. USSS improperly applied Exemption 7(A)

Further, even if USSS had conducted an adequate search, its withholding of records would also need to satisfy the requirements for an agency to withhold material under Exemption 7(A). Exemption 7(A) requires a two step-analysis: “[f]irst, there must be a ‘pending or reasonably anticipated’ law enforcement proceeding. Second, release of the information must be reasonably expected to cause some articulable harm to that proceeding.” U.S. DEP’T OF JUST., DEPARTMENT OF JUSTICE GUIDE TO THE FREEDOM OF INFORMATION ACT: EXEMPTION 7(A) (2022), <https://perma.cc/J5QZ-9KAN> (quoting *Mapother v. Dep’t of Just.*, 3 F.3d 1533, 1540 (D.C. Cir. 1993)); see also *Scheer v. U.S. Dep’t of Just.*, 35 F. Supp. 2d 9, 12 (D.D.C. 1999).

The burden is on the agency to show both the enforcement proceedings and the discrete harm that would result from not producing the exempt material. The D.C. Circuit has held that a “law enforcement proceeding” typically means a criminal prosecution. *Citizens for Resp. & Ethics in Wash. v. U.S. Dep’t of Just.*, 746 F.3d 1082, 1098 (D.C. Cir. 2014).

The D.C. Circuit has held that Exemption 7(A) is limited to law enforcement proceedings that are “‘pending or reasonably anticipated.’ Exemption 7(A) is temporal in nature.” *Id.* at 1097 (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 230–32 (1978)). When cases are closed, they are “not pending or contemplated—and therefore are not proceedings with which disclosure may interfere.” *Citizens for Resp. & Ethics in Wash.*, 746 F.3d at 1098.

USSS fails the two-part test for upholding Exemption 7(A) nondisclosure. USSS has not met its burden of showing the existence and applicability of the law enforcement proceedings related to the exempt material, nor has it demonstrated the cognizable harm that would result from disclosure.

i. USSS failed to prove the existence of a concrete prospective law enforcement proceeding

First, USSS has not articulated which, if any, law enforcement proceedings form the basis of its denial. USSS has not described any law enforcement proceedings that are “pending or contemplated—and therefore are not proceedings with which disclosure may interfere.” *Id.* At the very least, USSS must describe which particular matters prevent disclosure of the requested records. Through its blanket denial that does not identify the law enforcement proceedings that serve as the basis for USSS’s denial of the Request, USSS has not justified its nondisclosure.

ii. USSS failed to prove that the disclosure of the requested information would interfere with enforcement proceedings

Second, even where the agency proves the existence of a concrete prospective law enforcement proceeding, the agency must still demonstrate that producing the records would “cause some articulable harm.” *Jud. Watch, Inc. v. U.S. Dep’t of Homeland Sec.*, 59 F. Supp. 3d 184, 193 (D.D.C. 2014) (quoting *Voinche v. FBI*, 46 F. Supp. 2d 26, 31 (D.D.C. 1999)).

Assuming, arguendo, that all records responsive to the request were indeed compiled for law enforcement purposes, the denial of the entire request is inappropriate because USSS may redact the records to prevent disclosure of exempted material. USSS failed to comply with the text of the FOIA; it is clear that USSS did not “take reasonable steps necessary to segregate and release nonexempt information.” 5 U.S.C. § 552(a)(8)(A)(ii)(II). Even if portions of the requested records fall under the FOIA exceptions, USSS must segregate, redact, and release the non-exempt portions of the requested records. *See* 5 U.S.C. § 552(a)(8)(A)(ii)(II). USSS may not hide behind a justification not expressly authorized by statute. USSS’s denial directly contravenes FOIA’s open government mandate and its duty to “narrowly” construe the FOIA. *U.S. Dep’t of Just. v. Julian*, 486 U.S. at 8. USSS’s denial directly contravenes FOIA’s open government mandate. At a minimum, USSS must first search, then adjudicate each record against FOIA’s legal standards, and finally disclose all non-exempt records and processing notes.

USSS has failed to demonstrate that the requested records satisfy the requirements of Exemption 7(A). Furthermore, USSS’s rationale in its denial is impermissibly “conclusory or vague.” *Scheer v. U.S. Dep’t of Just.*, 35 F. Supp. 2d 9, 12 (D.D.C. 1999)

(quoting *Kuffel v. U.S. Bureau of Prisons*, 882 F. Supp. 1116, 1126 (D.D.C. 1995)). Even if it demonstrates the existence of qualifying law enforcement proceedings, USSS must specify how disclosure would interfere with those proceedings. Even where entire records are properly withheld, USSS must produce the existence of records themselves. For example, USSS may produce an entirely redacted record, but the record itself shall be produced with nonexempt information remaining, for instance: the date sent, recipients, email greetings, and other information. Accordingly, USSS's failure to do so is inappropriate and, in addition, indicates an improper search.

III. Conclusion

Accordingly, AFL asks for this appeal to be granted and, considering recent Congressional revelations, for expedited processing to be provided. Please contact us at FOIA@aflegal.org for additional clarification or information.

Sincerely,

/s/ Rachel Jag
America First Legal Foundation

Exhibit 1



July 13, 2024

Via Secure Release Portal:

Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. Ave. S.E.
Washington, DC 20528

Freedom of Information Act Request: re: Force Protection of Donald J. Trump

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 247,000 followers and the X page of our Founder and President has over 656,000 followers.

I. Background

Earlier today, President Trump was shot at a rally in Pennsylvania. Sean Davis reports that, "the former and future president's detail has been asking for beefed up protection and resources for weeks, but has been rebuffed time and again by Biden's DHS."¹ Therefore, pursuant to 5 U.S.C. § 552, we request:

1. All communications between the United States Secret Service and any email address ending in "@hq.dhs.gov" relating to the protective detail of former President Donald J. Trump.
2. All records in the custody of Secretary Alejandro Mayorkas, Senior Official Performing the Duties of Deputy Secretary, Kristie Canegallo, and any other

¹ Sean Davis (@Seanmdav), X (Jul. 13, 2024), <http://tinyurl.com/yvepycy9>

official in the DHS Front Office pertaining to increased security for former President Donald J. Trump.

3. Records of all documents and communications from the Office of Intelligence and Analysis and the DHS Front Office or United States Secret Service relating to threats against President Trump.

The time frame for this request is January 1, 2024, to July 13, 2024.

II. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

III. Expedited Processing

DHS regulations require the grant of expedited processing for a FOIA request "whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under §5.5(e)(ii) and §5.5(e)(iv). An attempt has been made to assassinate a former President of the United States, a presumptive nominee of a major political party (who will accept the nomination in less than a week), and a frontrunner in the upcoming presidential election. Now, more than ever, accurate information about the decisions made by DHS leadership is critical to informing the public as to whether the Biden Administration is providing adequate resources to allow the United States Secret Service to appropriately protect a leading candidate for President of the United States. As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by DHS in the past.

This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

IV. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Andrew J. Block
America First Legal Foundation

Exhibit 2



Homeland
Security

July 17, 2024

SENT VIA E-MAIL TO: info@aflegal.org

Reed Rubinstein
America First Legal Foundation
611 Pennsylvania Ave SE #231
Washington, DC 20003

Re: 2024-HQFO-01977

Dear Requester:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 7/13/2024, and seeking from January 1, 2024, to July 13, 2024:

1. All communications between the United States Secret Service and any email address ending in "@hq.dhs.gov" relating to the protective detail of former President Donald J. Trump.
2. All records in the custody of Secretary Alejandro Mayorkas, Senior Official Performing the Duties of Deputy Secretary, Kristie Canegallo, and any other official in the DHS Front Office pertaining to increased security for former President Donald J. Trump.
3. Records of all documents and communications from the Office of Intelligence and Analysis and the DHS Front Office or United States Secret Service relating to threats against President Trump.

Your request was received in this office on 7/13/2024.

As it relates to item 1 of this request: Due to the subject matter of your request, I am transferring this request to the United States Secret Service (USSS), for processing under the FOIA and direct response to you. Please see their contact information below.

United States Secret Service (USSS)
Freedom of Information Act and Privacy Act Branch
245 Murray Lane, SW Building T-5
Washington, D.C. 20223
Phone: 202-406-6370 | Fax: 202-406-5586 | E-mail: FOIA@uss.s.dhs.gov

As it relates to item 2 of this request: After careful review of your FOIA request, we determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an

unreasonable burden upon the agency. For this reason, 6 C.F.R. Part 5 §5.3(b) of the DHS FOIA regulations require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

A list of DHS Component and Offices is located online to aid in providing more information: <https://www.dhs.gov/operational-and-support-components>. Additionally, your identified DHS Components or Offices may have their own FOIA office for FOIA request submissions. A list of DHS FOIA Offices is located online: <https://www.dhs.gov/foia-contact-information>. If your identified DHS Component or Office has a FOIA office, please submit directly to that office. Otherwise, respond back with your additional information.

As it relates to item 3 of this request: Due to the subject matter of your request, I am transferring this request to the DHS Headquarters Office of Intelligence and Analysis (I&A), for processing under the FOIA and direct response to you. Please see below for their contact information.

DHS Headquarters Office of Intelligence and Analysis (I&A)
Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065
Phone: 202-447-4561 | Fax: 202-612-1936 | E-mail: IAFOIA@HQ.DHS.GOV

Please resubmit your request containing a reasonable description of the records you are seeking. This is not a denial of your request. Upon receipt of a perfected request, you will be advised as to the status of your request. If we do not hear from you within 30 days from the date of this letter, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed.

You have a right to appeal the above determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue, SE, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

You may contact the DHS FOIA Public Liaison at 202-343-1743 for any further assistance and to discuss any aspect of your request. You may also contact OGIS at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland

20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number 2024-HQFO-01977. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or at 202-343-1743.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our FOIA website <https://www.dhs.gov/foia>

Exhibit 3



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, S.W., Building T-5, Mail Stop 8205
Washington, D.C. 20223

Date: July 31, 2024

Andrew Block
611 Pennsylvania Ave SE #231
Washington, District of Columbia 20003
Email: foia@aflegal.org

File Number: 20241016

Dear Requester:

This is the final response to your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on July 15, 2024, for information, from January 1, 2024 to July 13, 2024, pertaining to:

1. All communications between the United States Secret Service and any email address ending in "@hq.dhs.gov" relating to the protective detail of former President Donald J. Trump;
2. All records in the custody of Secretary Alejandro Mayorkas, Senior Official Performing the Duties of Deputy Secretary, Kristie Canegallo, and any other official in the DHS Front Office pertaining to increased security for former President Donald J. Trump; and
3. Records of all documents and communications from the Office of Intelligence and Analysis and the DHS Front Office or United States Secret Service relating to threats against President Trump.

At this time, pursuant to Title 5 U.S.C. § 552(B)(7)(A), any potentially responsive records, if they exist, are exempt as disclosure could reasonably be expected to interfere with enforcement proceedings. The citation of the above exemption is not to be construed as the only exemption which may be available under the FOIA.

If you deem our decision an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within ninety (90) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note that contacting the Secret Service's FOIA Program and/or OGIS **is not** an alternative to filing an administrative appeal and **does not** stop the 90-day appeal clock. You may contact OGIS at: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001. You may also reach OGIS via email at ogis@nara.gov, telephone at 202-741-5770/toll free at (877) 684-6448, or facsimile at (202) 741-5769.

If you need any further assistance, or would like to discuss any aspect of your request, please contact our FOIA Public Liaison, Kevin Tyrrell, at (202) 220-1819. Alternatively, you may send an email to foia@usss.dhs.gov.

FOIA/PA File No. 20241016 is assigned to your request. Please refer to this file number in all future communication with this office.

Sincerely,

A handwritten signature in black ink that reads "Kevin L. Tyrrell". The signature is written in a cursive, slightly slanted style.

Kevin L. Tyrrell
Freedom of Information Act Officer
Office of Intergovernmental and Legislative Affairs

**FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

Provisions of the Freedom of Information Act do not apply to matters that are:

- (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;
- (b) (2) related solely to the internal personnel rules and practices of any agency;
- (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) is enacted after the date of enactment of the OPEN FOIA Act of 2009;
- (b) (4) trade secrets and commercial or financial information obtained from a person and is privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency; provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;
- (b) (6) personnel files and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the information: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, foreign agency or authority, or any private institution that furnished information on a confidential basis, and/or when records/information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (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 regulation or supervision of financial institutions; and
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

The provisions of the Privacy Act do not apply to:

- (d) (5) material compiled in reasonable anticipation of a civil action or proceeding;
- (j) (2) material reporting investigative efforts pertaining to enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) material that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy;
- (k) (2) material compiled during investigations for law enforcement purposes (with certain exemptions);
- (k) (3) material maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or for access to classified information, but only to the extent that the disclosure of such material would reveal the identity of the person who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and
- (k) (6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service-the disclosure of which would compromise the objectivity or fairness of the testing or examination process.