

Privacy Act Exemptions

The Privacy Act provides that the agency will provide access to records on individuals within its possession unless one of ten exemptions applies. The exact language of the exemptions can be found in the Privacy Act, 5 USC 552a, <http://www.justice.gov/opcl/privstat.htm>.

Ten Exemptions

Exemption (d)(5): Information compiled in reasonable anticipation of civil action or proceeding; self-executing exemption.

Exemption (j)(1): CIA records (information concerning polygraph records, sources and methods to gather intelligence -- including the facilities, organization, functions, names, officials titles, salaries, or numbers of personnel employed by the Agency -- and documents or information provided by foreign governments).

Exemption (j)(2): Principal function criminal law enforcement agency; records compiled during course of criminal law enforcement proceeding.

Exemption (k)(1): Classified information under an Executive Order in the interest of national defense or foreign policy.

Exemption (k)(2): Non-criminal law enforcement records; criminal law enforcement records compiled by non-principal function criminal law enforcement agency; coverage is less broad where individual has been denied a right, privilege, or benefit as result of information sought.

Exemption (k)(3): Pertain to the protection of the President of the United States or other individual pursuant to section 3056 of Title 18.

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

Exemption (k)(5): Investigatory material used only to determine suitability, eligibility, or qualifications for federal civilian employment or access to classified information when the material comes from confidential sources.

Exemption (k)(6): Testing or examination material used to determine appointment or promotion of federal employees when disclosure would compromise the objectivity or fairness of the process.

Exemption (k)(7): Military evaluative records (similar to (k)(5)).