

**DEPARTMENT of COMMERCE**  
**Exemption 3 Statutes**



Statute	Type of Information Withheld	Case Citation
13 U.S.C. § 301(g) (Collection and Publication of Foreign Commerce Act)	Shippers' export declarations or successor documents	Fund Afr. v. Mosbacher, No. 92 Civ. 289, 1993 WL 183736, at *5 (S.D.N.Y. May 26, 1993); Young Conservative Found., Inc. v. U.S. Dep't of Commerce, No. 85-3982, 1987 WL 9244, at *2-3 (D.D.C. Mar. 25, 1987).
13 U.S.C. §§ 8(b), 9(a) (Census Act)	Certain Census Data	Baldrige v Shapiro, 455 U.S. 345, 355 (1982).
42 U.S.C. § 405(r) (Social Security Act)	Death certificates and records pertaining to deaths provided to the Commissioner of Social Security under this subsection	Int'l Diatomite Producers Ass'n v. SSA, No. 92-1634, 1993 WL 137286, at *3 (N.D. Cal. Apr. 28, 1993), appeal dismissed per stipulation, No. 93-16204 (9th Cir. Oct. 27, 1993).
15 U.S.C. § 7306(d) (National Construction Safety Teams)	[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety	Quick v. Dep't of Commerce, 775 F. Supp. 2d 174, 180-81 (D.D.C. 2011).
15 U.S.C. § 7306(c)	Voluntarily provided safety-related information	N/A
16 U.S.C. 1881a(b)(1)	Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter shall be confidential and shall not be disclosed except . . . (subsections A-H)	N/A



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31 U.S.C. § 3730(b)(2)	Records pertaining to civil actions for false claims against the United States Government	N/A
35 U.S.C. § 122 (Patent Act)	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v. Dann, 606 F.2d 1215, 1220 (D.C. Cir. 1979), cert. denied, 444 U.S. 1075 (1980); Leeds v. Quigg, 720 F. Supp. 193, 194 (D.D.C. 1989), aff'd mem., No. 89-5062 (D.C. Cir. Oct. 24, 1989).
41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD. No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA. No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior. 305F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted. No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).
50 U.S.C. § 3605	Administrative Authority for NSA	N/A
50 U.S.C. app. § 2170(c) (currently at 50 U.S.C. § 4565(c))	Information on documentary material filed with the Committee on Foreign Investment in the United States	N/A
50 U.S.C. § 2411(c) (Export Administration Act of 1979)	Information pertaining to license applications under the Export Administration Act	Wis. Project on Nuclear Arms Control v. Dep't of Commerce, 317 F.3d 275, 284 (D.C. Cir. 2003); Times Publ'g Co. v. U.S. Dep't of Commerce, 236 F.3d 1286, 1292 (11th Cir. 2001).



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Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 207); Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 867-68 (D.C. Cir. 1981); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WI. 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).