

**Definitions of the Exemptions  
Under the Freedom of Information Act (5 U.S.C. § 552)**

Pursuant to Title 5 U.S.C. § 552 (b), the disclosure requirement of the Freedom of Information Act does not apply to matters that are –

- (1)(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national security defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order;
- (2) related solely to the internal personnel rules and practices of an agency;
- (3) specifically exempt from disclosure by statute, provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or, establishes particular criteria for withholding or refers to particular kinds of matters to be withheld;
- (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (5) inter-agency or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege;
- (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) records of information compiled for law enforcement purposes, but only to the extent that the production of such records or 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 or foreign agency or authority, or any private institution which furnished information on a confidential basis, and for a record or 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, or

(F) could reasonably be expected to endanger the life or physical safety of any individual;

- (8) contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; or
- (9) geological and geophysical information and data, including maps, concerning wells.

#### Information Regarding Government Terrorist Watch List and other Counterterrorism and National Security Concerns

To the extent that your FOIA request can be interpreted as a request for records that may be maintained by CBP regarding whether a particular person is or has ever been listed in the government terrorist watch list or otherwise identified as a counterterrorism or national security concern, please be advised that the U.S. Government, through the FOIA mechanism, neither confirms nor denies whether a particular person is on the terrorist watch list or otherwise identified as a counterterrorism or national security concern. Maintaining the confidentiality of government watch lists and the identification of specific individuals as counterterrorism or national security concern is necessary to achieve the counterterrorism and national security objectives of the U.S. Government. If the U.S. Government routinely revealed this information, terrorists would be able to take actions to avoid detection by government authorities. Thus, pursuant to the FOIA Exemption 7(E), 5 U.S.C. § 552 (b)(7)(E), CBP can neither confirm or deny the existence of certain records which would tend to indicate whether a particular person is or ever was listed on the terrorist watch list or otherwise identified as a counterterrorism or national security concern. If you have questions or seek resolution regarding difficulties that you experienced during travel screening at transportation hubs—like airports and train stations—or during processing at a U.S. border, including watch list issues, problems at ports of entry or situations where you believe that you have been unfairly or incorrectly delayed, denied boarding or identified for additional screening at our nation’s transportation hubs please address these issues to the single point of contact for DHS, the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP). Additional information regarding DHS TRIP is available at [www.dhs.gov/trip](http://www.dhs.gov/trip). Please note: this is a standard notice being issued in response to every individual who requests through FOIA “all records” on a particular person that may be maintained by the agency, requests for broad categories of records related to individual(s), and FOIA requests related to alleged travel difficulties. This notice should not be taken as an indication that additional records beyond those identified in the agency’s response do or do not exist with respect to your particular request.

#### Administrative Appeal

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of CBP’s FOIA response letter, within 60 days of the date of the letter, to: U.S. Customs and Border Protection, Office of Regulations and Rulings, FOIA Appeals, Policy and Litigation Branch, 90 K Street, NE, Washington, D.C. 20229, following the

procedures outlined in the Department of Homeland Security regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

### Judicial Review

In the event that the FOIA Appeals, Policy and Litigation Branch, should (1) fail to issue a determination of your appeal within 20 business days of its receipt (plus 10 additional business days, if you are notified in writing that an extension of time is required and applicable), or (2) deny your appeal, you may obtain judicial review pursuant to Title 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you (your client) reside(s) or have (has) a principal place of business, or in which the agency records are situated, or in the United States District Court for the District of Columbia.