

1

Procedural Issues

Should FOIA Benefit Non-Profit Requesters Amer. Ctr. for Law and Justice v. DHS, No. 21-1364, 2021 WL 5231939 (Nov. 10, 2021)



2

Procedural Issues

Possible Policy for Handling Large Requests

White v. Dep't. of Justice, No. 21-1229, 2021 WL 4931348 (7th Cir. Oct. 22, 2021)

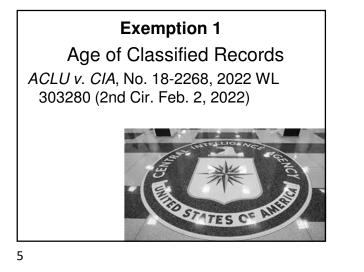


Procedural Issues

Agency Records? Browser Histories? Cause of Action Inst. v. OMB, No. 20-5006 (D.C. Cir. Aug. 20, 2021)

LEL	Title	Veited On T	Welt Count	Typed C	Gaferrar
Mtp://analytics.mon.com/brokude.Mml		13/03/2011 12:1	2	0	1
@ http://analytics.micresoft.com/Sync.html		18/03/2011 12:1	2	0	
O http://www.sicrosoft.com/downloads/e	Monsoft Openica	1200/2011 12:1	1	0	http:///w
@ http://analytics.mery.com/Unclude.html		12/02/2011 12:1	2	0	
C http://analytics.microsoft.com/Sync.html		15/03/2011 12:1		0	
Intac/www.microsoft.com/	Microsoft Carporat	15/03/2011 12:1	1	1	
O http://www.sicrosoft.conden/usidefad	Morasaft Carporat	18/03/2011 12:1	1	0	http://w
@ http://www.facebook.com/extern/login		13/03/2011 12:1	1	0	
@ http://wtatic.ak./bodh.tet/connect/vd_p		13/03/2011 12:1	1	0	http://w
@ http://developers.facebook.com/?ref~pf	Facebook Develop	13/03/2011 12:1	1	0	http://ww
@ http://www.facebook.com/	Welcome to Faceb	13/03/2011 12:1	3	3	
@ http://www.sahoo.com/	Vahoof	1803/2011 12:1	1	1	
1		1202200111201		<u>^</u>	

4



Exemption 3

Statutes Enacted After 2009 Must Reference FOIA's Exemption 3 in Order to Qualify Under the 2009 Open FOIA Act

Ctr. for Invest. Reporting, v. Dep't of Justice, No. 18-17356, 2021 WL 4314789 (9th Cir. Sept. 23, 2021) *Everytown for Gun Safety Support Fund v. BATF*, 984 F.3d 30 (2nd Cir. 2020)



Exemption 4

How to Determine What is "Confidential" After *Food Marketing Institute WP Co., v. SBA*, No. 20-1240, 2021 WL 5881972 (D.D.C. Dec. 13, 2021) *Zirvi v. NIH*, No. 20-7648, 2022 WL 1261591 (D. N.J. Apr. 28, 2022)



7

Exemption 5

Consultant Corollary

Rojas v. FAA, 989 F. 3d 666 (9th Cir. 2021), cert. denied, No. 21-133 (Jan. 10, 2022) Jobe v. NTSB, 1 F. 4th 396 (5th Cir. 2021), cert. denied, No. 21-469 (Jan. 10, 2022) Am. Oversight v. DOT, No. 18-1272, 2022 WL

103306 (D.D.C. Jan. 11, 2022)



8

Exemption 5

Draft Press Releases

Transgender Law Ctr. v. ICE, No. 20-17416, 2022 WL 1494722 (9th Cir. May 12, 2022)

How to write PRESS RELEASE



Exemption 5

Issue of Foreseeable Harm

Reptrs. Comm. for Freedom of the Press v. FBI, 3 F. 4th 350 (D.C. Cir. 2021) Selgjekaj v. EOUSA, No. 20-2145 (D.D.C. Aug. 6, 2021)



10

Exemption 6

Is There a Privacy Interest?

Is There a Cognizable Public Interest? *Transgender Law Ctr. v. ICE*, No. 20-17416, 2022 WL 1494722 (9th Cir. May 12, 2022) *Hammond v. DOD*, No. 16-421, 2021 WL 6049886 (D.D.C. Dec. 21, 2021)

DHS email domain: @dhs.gov



11

Exemption 7(C)

Survivor Privacy Interest

Weighing Privacy Interest Against Public Interest

McWatters v. ATF, No. 20-1092, 2022 WL 990689 (D.D.C. Mar. 31, 2022) *EPIC v. Dep't of Justice*, No. 20-5364, 2021 WL 5571135 (D.C. Cir. Nov. 30, 2021)





Exemption 7(E)

Foreseeable Harm Test Inapplicable to Exemption 7(E) *Rptrs. Comm. for Freedom of the Press v. FBI*, No. 17-1701 (D.D.C. July 12, 2021)



13