

1 D. VICTORIA BARANETSKY (SBN 311892)  
DARA GRAY (SBN Pending)  
2 **THE CENTER FOR INVESTIGATIVE**  
**REPORTING**  
3 1300 65th Street, Suite 200  
Emeryville, CA 94608  
4 Telephone: (510) 809-3160  
Fax: (510)849-6141  
5 vbaranetsky@revealnews.org

6 MEGHAN FENZEL (SBN 324139)  
**JASSY VICK CAROLAN LLP**  
7 355 South Grand Avenue, Suite 2450  
Los Angeles, California 90071  
8 Telephone: 310-870-7048  
Facsimile: 310-870-7010  
9 mfenzel@jassyvick.com

10 Counsel for Amicus Curiae  
THE CENTER FOR INVESTIGATIVE  
11 REPORTING

12  
13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

17 JOHN LINDSAY-POLAND

18 Plaintiff,

19 vs.

20 UNITED STATES DEPARTMENT OF  
JUSTICE; and BUREAU OF ALCOHOL,  
21 TOBACCO, FIREARMS AND  
22 EXPLOSIVES,

23 Defendants.

Case No. 3:22-cv-7663-EMC

**ADMINISTRATIVE MOTION FOR LEAVE  
TO FILE BRIEF *AMICUS CURIAE* OF  
CENTER FOR INVESTIGATIVE  
REPORTING IN SUPPORT OF PLAINTIFF'S  
CROSS-MOTION FOR SUMMARY  
JUDGMENT**

Date: October 19, 2023  
Time: 1:30 p.m.  
Crtrm: 4, 17th Floor  
Judge: Hon. Edward M. Chen

1       **I. INTRODUCTION**

2           The Center for Investigative Reporting (“CIR” d/b/a “Reveal”) respectfully moves for leave  
3 to file an *amicus curiae* brief in support of Plaintiff’s Cross-Motion for Summary Judgment. A copy  
4 of the proposed brief is attached as Exhibit 1 to this motion, and a supporting declaration is attached  
5 as Exhibit 2. Plaintiff has consented to the filing of this motion and the accompanying *amicus* brief.  
6 Defendant has also consented to this filing.

7       **II. IDENTITY AND INTEREST OF *AMICUS CURIAE***

8           Founded in 1977, CIR is the nation’s oldest nonprofit investigative newsroom. Doing  
9 business as Reveal, CIR produces investigative journalism on its website revealnews.org, the  
10 Reveal national public radio show, the Reveal podcast, and various documentary projects. CIR  
11 often collaborates with other newsrooms across the country. It is a California nonprofit public  
12 benefit corporation that is tax-exempt under section 501(c)(3) of the Internal Revenue Code.

13           CIR has an important perspective to bring to this matter because, from 2017 through 2022,  
14 CIR litigated a FOIA case against the ATF regarding the same type of data that Plaintiff John  
15 Lindsay-Poland seeks in the above-captioned FOIA lawsuit. CIR ultimately prevailed in a published  
16 Ninth Circuit *en banc* opinion and received the requested data and a settlement payment from ATF.  
17 *See Ctr. for Investigative Reporting v. United States Dep’t of Just.*, 14 F.4th 916, 922 (9th Cir.  
18 2021) *amending* 982 F.3d 668 (9th Cir. 2020); *see also Ctr. for Investigative Reporting v. United*  
19 *States Dep’t of Just.*, No. 3:17-cv-06557-JSC, Dkt. 74 (N.D. Cal. Oct. 7, 2022). In that opinion, the  
20 Ninth Circuit held that the ATF had to disclose the records because: (1) Exemption 3 does not apply  
21 where the 2012 Tiahrt Rider does not cite to 5 U.S.C. § 552(b)(3); *see CIR v. DOJ*, 14 F.4th at 931–  
22 32; (2) regardless, the Tiahrt Rider’s Exception C for “statistical aggregate data” permitted  
23 disclosure; *see id.* at 933–36; and (3) using a query to search for records in a government agency’s  
24 database does not amount to the creation of a new record; *see id.* at 937–39. Despite CIR’s hard-  
25 fought win for public right of access to firearm tracing data, which cost significant internal and pro  
26 bono resources, the ATF has not followed this binding Ninth Circuit precedent in responding to *any*  
27 FOIA requests originating in the Ninth Circuit, including Plaintiff John Lindsay-Poland’s.  
28

1 CIR continues to research and tell important stories on firearms and gun violence in  
2 America. In fact, in collaboration with CBS and the Trace, it has published a series of articles using  
3 the data CIR received from ATF as a result of its 2017–22 FOIA litigation.<sup>1</sup> Ensuring public access  
4 to important public data that informs our polity is a key mission of CIR, as an investigative  
5 journalism outlet. Such access to data also has sweeping implications for the political debate on the  
6 role of guns in this country and the government’s role in regulating them.

7 No party’s counsel has authored the attached brief, in whole or in part, nor has any person  
8 other than *amicus curiae*, its members, or its counsel contributed money that was intended to fund  
9 preparing or submitting this brief.

### 10 **III. ARGUMENT**

11 District courts have “broad discretion” to appoint *amicus curiae*. *Hoptowit v. Ray*, 682 F.2d  
12 1237, 1260 (9th Cir. 1982). In that vein, “[d]istrict courts frequently welcome *amicus* briefs from  
13 non-parties concerning legal issues that have potential ramifications beyond the parties directly  
14 involved . . . .” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067  
15 (N.D. Cal 2005). If permitted to file, CIR will fulfill “the classic role of *amicus curiae* by assisting  
16 in a case of general public interest[] [and] supplementing the efforts of counsel[.]” *Miller-Wohl Co.*  
17 *v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

18 The Court should exercise its discretion to permit CIR to file the attached *amicus* brief. CIR  
19 is generally familiar with the scope of the Parties’ arguments and will not unduly repeat those  
20 arguments. Rather, CIR will draw upon its knowledge, experience, and unique interest as both a  
21 non-profit investigative journalist outlet that reports on gun tracing data and a successful prior  
22 FOIA litigant on the legal issues in this case. As detailed in the proposed *amicus* brief, CIR seeks to  
23 represent the interests of all members of the public seeking access to statistical information from  
24 ATF, beyond this particular lawsuit.

25 CIR also requests the opportunity to address the broader issue of the ATF’s failure to  
26 comply with the Ninth Circuit precedent CIR secured years ago. The ATF’s FOIA denials compel

27 \_\_\_\_\_  
28 <sup>1</sup> Available at <https://www.thetrace.org/author/alain-stephens>.

1 requesters to needlessly relitigate these issues that are already decided under binding Ninth Circuit  
2 precedent. Such responses improperly burden courts and FOIA requesters when litigation or silence  
3 is the only avenue for redress.

4 **I. CONCLUSION**

5 For the foregoing reasons, CIR respectfully requests that the Court grant it leave to file the  
6 amicus brief attached as Exhibit 1 and the accompanying Declaration of D. Victoria Baranetsky,  
7 attached as Exhibit 2.

9 DATED: August 7, 2023

Respectfully submitted,

11 *s/ D. Victoria Baranetsky*  
12 D. Victoria Baranetsky,  
(SBN 311892)  
13 Dara Gray (SBN pending)  
THE CENTER FOR INVESTIGATIVE  
14 REPORTING  
1300 65th Street, Suite 200  
15 Emeryville, CA 94608  
Telephone: (510) 809-3160  
16 Fax: (510)849-6141  
vbaranetsky@revealnews.org

17 Meghan Fenzel  
18 (SBN 324139)  
JASSY VICK CAROLAN LLP  
19 355 South Grand Avenue, Suite 2450  
Los Angeles, California 90071  
20 Telephone: 310-870-7048  
Facsimile: 310-870-7010  
21 mfenzel@jassyvick.com

22  
23 Counsel for *Amicus Curiae*  
CENTER FOR INVESTIGATIVE  
24 REPORTING

1 D. VICTORIA BARANETSKY (SBN 311892)  
2 DARA GRAY (SBN 349865)  
3 **THE CENTER FOR INVESTIGATIVE**  
4 **REPORTING**  
5 1300 65th Street, Suite 200  
Emeryville, CA 94608  
Telephone: (510) 982-2890  
Fax: (510) 849-6141  
vbaranetsky@revealnews.org

6 MEGHAN FENZEL (SBN 324139)  
7 **JASSY VICK CAROLAN LLP**  
8 355 South Grand Avenue, Suite 2450  
Los Angeles, California 90071  
Telephone: (310) 870-7048  
Facsimile: (310) 870-7010  
mfenzel@jassyvick.com

10 Counsel for Amicus Curiae  
11 THE CENTER FOR INVESTIGATIVE  
12 REPORTING

13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

17 JOHN LINDSAY-POLAND

18 Plaintiff,

19 vs.

20 UNITED STATES DEPARTMENT OF  
21 JUSTICE; and BUREAU OF ALCOHOL,  
22 TOBACCO, FIREARMS AND  
EXPLOSIVES,

23 Defendants.

Case No. 3:22-cv-7663-EMC

**BRIEF OF *AMICUS CURIAE* OF CENTER  
FOR INVESTIGATIVE REPORTING IN  
SUPPORT OF PLAINTIFF'S CROSS-  
MOTION FOR SUMMARY JUDGMENT**

Date: October 19, 2023  
Time: 1:30 p.m.  
Courtroom: 4, 17th Floor  
Judge: Hon. Edward M. Chen

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION.....	1
II. INTEREST OF AMICUS CURIAE .....	1
III. ARGUMENT .....	2
A. The Government Disregards Binding Ninth Circuit Precedent .....	2
B. ATF’s Ongoing Attempt to Expand Exemption 3 and the Tiahrt Rider Beyond the Plain Text of the OPEN FOIA Act Is A Clear Example of “Exemption Creep” .....	5
C. ATF Incorrectly Interprets the Tiahrt Amendment Which Has a Specific Carve-Out for Statistical Aggregate Data That Was Aimed To Aid Public Access .....	8
D. Withholding the Data Sought Impedes the Press and Harms the Public .....	11
IV. CONCLUSION .....	13

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Page**

**Cases**

*Allen v. Milligan*,  
599 U.S. \_\_\_, 143 S.Ct. 1487 (2023) .....4

*Am. C.L. Union Immigrants’ Rts. Project v. United States Immigr. & Customs Enf’t*,  
58 F.4th 643 (2d Cir. 2023).....4

*Am. Small Bus. League v. United States Off. of Mgmt. & Budget*,  
No. 20-CV-07126-DMR, 2022 WL 4544726 (N.D. Cal. Sept. 28, 2022) .....4

*Comm. on the Judiciary, U.S. House of Representatives v. McGahn*,  
968 F.3d 755 (D.C. Cir. 2020) .....13

*County of Allegheny v. ACLU Greater Pittsburgh Chapter*,  
492 U.S. 573, 106 L. Ed. 2d 472, 109 S. Ct. 3086 (1989) .....5

*Ctr. for Investigative Reporting v. United States Dep’t of Just.*,  
14 F.4th 916 (9th Cir. 2021) amending 982 F.3d 668 (9th Cir. 2020)  
 (“*CIR v. DOJ*”) .....1, 2, 3, 4, 7, 8, 9, 10

*Ctr. for Investigative Reporting v. United States Dep’t of Just.*,  
No. 3:17-cv-06557-JSC, Dkt. 74 (N.D. Cal. Oct. 7, 2022) .....1, 2

*Day v. Apoliona*,  
496 F.3d 1027 (9th Cir. 2007).....5

*Dept. of Air Force v. Rose*,  
425 U.S. 352 (1976) .....8

*Everytown for Gun Safety Support Fund v. ATF*,  
984 F.3d 30 (2d Cir. 2020).....3

*Food Mktg. Inst. v. Argus Leader Media*,  
139 S. Ct. 2356 (2019) .....10

*Kimble v. Marvel Entertainment, LLC*,  
576 U.S. 446 (2015) .....4

*McGrain v. Daugherty*,  
273 U.S. 135 (1927) .....13

*Miller v. Gammie*,  
335 F.3d 889 (9th Cir. 2003).....4

*Mills v. Alabama*,  
384 U.S. 214 (1966) .....11

*N.Y. Times Co. v. United States*,  
403 U.S. 713 (1971) .....12

*Petroleum Info. Corp. v. United States Dep’t of Interior*,  
976 F.2d 1429 (D.C. Cir. 1992) .....4

1 *Ramos v. Louisiana*,  
590 U. S. \_\_\_, 140 S.Ct. 1390 (2020) .....4

2 *Reporters Comm. For Freedom of Press v. US. Dep’t of Justice*,  
816 F.2d 730 (D.C. Cir. 1987) *rev’d on other grounds by* 489 U.S. 749 (1989).....5

3 *Trump v. Mazars USA, LLP*,  
4 140 S.Ct. 2019 (2020) .....13

5 *Watkins v. ATF*,  
6 No. 04-800, 205 WL 2334277 (D.D.C. Sept. 24 1, 2005) .....11

7 **U.S. Constitution**

8 First Amendment.....12

9

10 **Federal Statutes**

11 5 U.S.C.

12 § 552(a)(4)(B) .....1

13 § 552(b)(3).....1, 5, 6, 8

14 § 552(b)(3)(B) .....5

15 Consolidated Appropriations Act

16 2005, Pub. L. No. 108- 447, 118 Stat. 2809, 2859–60 (2004) (2005 Rider).....8

17 2008, Pub. L. No. 110-161, 121 Stat. 1844, 1903–04 (2007) (2008 Rider).....8

18 2010, Pub. L. No. 111-117, 123 Stat. 3034, 3128–29 (2009) (2010 Rider).....8, 9

19 2012, Pub. L. 112-55, 125 Stat. 552, 610.....5, 9, 10

20 Consolidated Appropriations Resolution, 2003, Pub. L. No. 108-7, § 644, 117 Stat. 11, 473–74  
(2003) .....8, 9

21 Consolidated and Further Appropriations Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, 609–10  
(2011) (2012 Rider).....9

22 Department of Homeland Security Appropriations Act, Pub. L. No. 111-83, § 564, 123 Stat. 2142,  
21 2184 (2009) .....6

23 Dodd–Frank Wall Street Reform and Consumer Protection (Dodd–Frank) Act, Pub. L.  
24 No. 111-203, 124 Stat. 1376 (2010).....7

25 National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81, 125 Stat. 1298,  
26 1600–01, 1604 (2011) .....7

27 Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, Pub. L.  
28 No. 113-254 (2014).....7

**Miscellaneous**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

155 Cong. Rec. S3175-76 (daily ed. Mar. 17, 2009) .....6, 8

Administrative Office of the U.S. Courts, *Judicial Emergencies*, United States Courts (Jun. 21, 2023), <https://www.uscourts.gov/judges-judgeships/judicial-vacancies/judicial-emergencies> .....3

Artis Curiskis and Kara Oehler, *The COVID Tracking Project Part 1-3*, Reveal (Apr. 15, 2023), <https://revealnews.org/article/covid-tracking-project> .....13

Cara Tabachnick, *Ghost gun use in U.S. crimes has risen more than 1,000% since 2017, federal report says*, CBS NEWS (Feb. 2, 2023), <https://www.cbsnews.com/news/ghost-gun-use-crimes-1000-percent-rise-since-2017-atf-report/> .....12

Champe Barton, *New Data Suggests a Connection Between Pandemic Gun Sales and Increased Violence*, THE TRACE (Dec. 8, 2021), <https://www.thetrace.org/2021/12/atf-time-to-crime-gun-data-shooting-pandemic/> .....12

Dana Priest and Anne Hull, *Soldiers Face Neglect, Frustration At Army's Top Medical Facility*, The Washington Post (Feb. 18, 2007).....13

Gina Stevens, *The Freedom of Information Act and Nondisclosure Provisions in Other Federal Laws* (Sept. 24, 2010), <https://fas.org/sgp/crs/secretcy/R41406.pdf>.....7

H.R. Rep. No. 576, 108th Cong., 2d Sess. (2004) .....11

<https://www.justice.gov/oip/ctr-investigative-reporting-v-doj-no-18-17356-2021-wl-4314789-9th-cir-sept-23-2021-wardlaw-j>.....3

<https://www.justice.gov/oip/page/file/1197096/download> (Exemption 3 Guide) .....3

<https://www.justice.gov/oip/page/file/1199421/download> (Procedural Requirement Guide).....3

Jaclyn Diaz, *6 major takeaways from the ATF's first report in 20 years on U.S. gun crime*, NPR (Feb. 10, 2023), <https://www.npr.org/2023/02/10/1153977949/major-takeaways-from-the-atf-gun-violence-report>.....12

James V. Grimaldi & Sari Horowitz, *Industry Pressure Hides Gun Trace, Protects Dealers from Public Scrutiny*, WASH. POST, Oct. 24, 2010 .....9

Jeff Asher, *Newly purchased firearms may play a role in US murder surge, data suggests*, THE GUARDIAN ( Sept. 30, 2022), <https://www.theguardian.com/us-news/2022/sep/30/us-murder-rate-increase-firearms> .....12

Jeff Asher & Rob Arthur, *The Data Are Pointing to One Major Driver of America's Murder Spike*, THE ATLANTIC (Jan. 10, 2022), <https://www.theatlantic.com/ideas/archive/2022/01/gun-sales-murder-spike/621196/> .....12

1 Maggie Prosser, *ATF Ballistics Data Network Takes aim at Gun Crime*, GOVERNMENT  
2 TECHNOLOGY (Nov. 29, 2022), [https://www.govtech.com/public-safety/atf-ballistics-data-](https://www.govtech.com/public-safety/atf-ballistics-data-network-takes-aim-at-gun-crime)  
3 [network-takes-aim-at-gun-crime](https://www.govtech.com/public-safety/atf-ballistics-data-network-takes-aim-at-gun-crime) .....12  
4  
5 Martin Linsky, *Impact: How the Press Affects Federal Policymaking*, W.W. Norton (1986) .....13  
6  
7 U.S. Department of Justice, *Statutes Found to Qualify under Exemption 3 of the FOIA*, (December  
8 2016), <https://www.justice.gov/oip/page/file/623931/download>. .....7  
9  
10 U.S. Government Accountability Office, *Freedom of Information Act: Update on Federal Agencies’*  
11 *Use of Exemption Statutes* (Feb. 11, 2021), <https://www.gao.gov/products/gao-21-148> .....7  
12  
13 Victoria Baranetsky, *Corporate Control of Public Information*, Columbia Journalism Review  
14 (May 11, 2023) .....7  
15  
16 William Krouse, Cong. Research Serv., RS22458, *Gun Control: Statutory Disclosure Limitation*  
17 *on ATF Firearms Trace Data* (2009), <https://sgp.fas.org/crs/misc/RS22458.pdf> .....10  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## I. INTRODUCTION

Members of the public who have had their Freedom of Information Act (FOIA) requests denied have one main recourse: litigation in federal district court through FOIA. 5 U.S.C. 552(a)(4)(B). The plaintiff in this case, John Lindsay-Poland should not have needed to use that recourse because the issues in this case have already been squarely decided. As Defendants admit in their brief (Dkt. 32, 18 n.2), *amicus curiae* previously established binding Ninth Circuit precedent on the same legal questions at issue in this case. Moreover, *amicus curiae* have discovered that the plaintiff here is only one of several dozens of FOIA requesters that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) has denied, forcing needless litigation, and thus burdening the courts and depriving the public of their right to crucial information. The ATF should disclose the requested data to Mr. Lindsay-Poland and, going forward, to other FOIA requesters seeking the same type of information.

## II. INTEREST OF AMICUS CURIAE

The Center for Investigative Reporting (“CIR” d/b/a “Reveal”) files this *amicus curiae* brief in support of Plaintiff’s Cross-Motion for Summary Judgment. Founded in 1977, CIR is the nation’s oldest nonprofit investigative newsroom. Doing business as Reveal, CIR produces investigative journalism on its website revealnews.org, the Reveal national public radio show, the Reveal podcast, and various documentary projects. CIR often collaborates with other newsrooms across the country. It is a California nonprofit public benefit corporation that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. It has no statutory members and no stock.

CIR has an important perspective to bring to this matter because, for five years, from 2017 through 2022, CIR litigated a FOIA case against the ATF regarding nearly the same type of data the Plaintiff seeks in the above-captioned FOIA lawsuit – and the same legal issues. CIR ultimately prevailed in a published Ninth Circuit opinion and received the requested data and a settlement payment from the Government of more than \$300,000. *See Ctr. for Investigative Reporting v. United States Dep’t of Just.*, 14 F.4th 916, 922 (9th Cir. 2021) *amending* 982 F.3d 668 (9th Cir. 2020) (“*CIR v. DOJ*”); *see also Ctr. for Investigative Reporting v. United States Dep’t of Just.*, No. 3:17-cv-06557-JSC, Dkt. 74 (N.D. Cal. Oct. 7, 2022). In that opinion, the Ninth Circuit held that the

1 data should be disclosed because: (1) the 2012 Tiahrt Rider does not cite to OPEN FOIA and 5  
2 U.S.C. § 552(b)(3), so it doesn't qualify for FOIA Exemption 3; *see CIR v. DOJ*, 14 F.4th at 931–32  
3 (2) the Tiahrt rider permitted for disclosure under its exception for publishing “statistical aggregate  
4 data;” *see id.* at 933–36; and (3) querying a government agency’s database does not amount to the  
5 creation of a new record; *see id.* at 937–39. Despite CIR’s hard-fought win for public right of access  
6 to firearm data, which cost hundreds of hours of staff time and significant internal and pro bono  
7 resources, the ATF has not followed this binding Ninth Circuit precedent in responding to *any* FOIA  
8 requests filed in the Ninth Circuit, including but not limited to Mr. Lindsay-Poland’s. This agency  
9 decision to repeatedly stonewall access to firearm trace data threatens not only CIR’s work but all  
10 news outlets, academics, and policymakers who seek similar data necessary to report on firearms  
11 and gun violence in our nation.

12 No party’s counsel has authored the attached brief, in whole or in part, nor has any person  
13 other than *amicus curiae*, its members, or its counsel contributed money that was intended to fund  
14 preparing or submitting this brief.

### 15 **III. ARGUMENT**

#### 16 **A. The Government Disregards Binding Ninth Circuit Precedent**

17 This lawsuit should never have been filed because the ATF should have released the  
18 requested data under binding Ninth Circuit precedent. From 2017 to 2022, *amicus curiae* litigated  
19 under FOIA to gain access to statistical aggregate data on firearm tracing from the Bureau of  
20 Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and won. *See CIR v. DOJ*, 14 F.4th 916. The  
21 Government sought rehearing *en banc* of the Ninth Circuit decision, paid CIR a six-figure  
22 attorneys’ fees settlement, and did not petition the Supreme Court for writ of certiorari despite a  
23 circuit split. *See CIR v. DOJ*, No. 3:17-cv-06557-JSC, Dkt. 74. Rule of law demands that the ATF  
24 follow this established precedent, at least within the Ninth Circuit. Yet, in response to all FOIA  
25 requests, it has failed to do so. *See Declaration of D. Victoria Baranetsky ¶¶ 4.*

26 Soon after the *CIR v. DOJ* ruling, CIR heard from journalists and advocates that the ATF  
27 was denying FOIA requests for firearms trace data, in defiance of the *CIR v. DOJ* ruling. In April  
28 2022, while discussing attorneys’ fees with opposing counsel, CIR expressed concerns to ATF’s

1 counsel about the agency’s denial sent to Mr. Lindsay-Poland. *See* Baranetsky Decl. ¶ 5, Ex. A. CIR  
 2 asked ATF over email, “Does the Government intend to ignore the Ninth Circuit’s decision . . .?”  
 3 *Id.* CIR received no response.

4 ATF’s failure to respect precedent is not merely an oversight. While the Department of  
 5 Justice tracked the published 2020 opinion and 2021 amended opinion on its Office of Information  
 6 Policy website,<sup>1</sup> conspicuously, the case is absent from the DOJ’s FOIA guides. Despite the FOIA  
 7 guide being updated in 2021, nowhere in it does the DOJ mention the 2020 or 2021 *CIR v. DOJ*  
 8 rulings, not even in the Exemption 3 or Tiahrt Amendment sections.<sup>2</sup> If the DOJ is training officers  
 9 through these guides they would not know about the Ninth Circuit decision.

10 Additionally, according to ATF records, since *CIR v. DOJ* the Government has denied  
 11 multiple FOIA requestors seeking statistical aggregate gun data by expressly declining to follow the  
 12 Ninth Circuit precedent, as occurred with Mr. Lindsay-Poland. For instance, former CIR journalist,  
 13 Alain Stephens, who brought the initial request in 2017, submitted a 2023 FOIA request seeking  
 14 updated ATF data that was disclosed to him in the 2021 case, and received an agency denial:

15 [T]he Second Circuit held that the requested information is exempt from  
 16 disclosure. *See Everytown for Gun Safety Support Fund v. ATF*, 984 F.3d 30 (2d  
 17 Cir. 2020). Although the Ninth Circuit recently reached a different result on trace  
 18 data in *Center for Investigative Reporting v. U.S. Department of Justice*, 14 F.4th  
 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on  
 which the Second Circuit prohibited disclosure, *see id.* at 932–33.

19 *See* Baranetsky Decl. ¶ 6, Ex. B.<sup>3</sup> This reasoning is especially egregious considering that ATF did  
 20 not petition for writ of certiorari. By independently choosing to apply the Second Circuit’s decision  
 21 over the Ninth Circuit decision, ATF masquerades as the Supreme Court.

22 \_\_\_\_\_  
 23 <sup>1</sup> *Ctr. for Investigative Reporting v. DOJ*, No. 18-17356, 2021 WL 4314789 (9th Cir. Sept. 23,  
 2021) (Wardlaw, J.), withdrawing, 982 F.3d 668 (9th Cir. 2020), [https://www.justice.gov/oip/ctr-](https://www.justice.gov/oip/ctr-investigative-reporting-v-doj-no-18-17356-2021-wl-4314789-9th-cir-sept-23-2021-wardlaw-j)  
 24 [investigative-reporting-v-doj-no-18-17356-2021-wl-4314789-9th-cir-sept-23-2021-wardlaw-j.](https://www.justice.gov/oip/page/file/1197096/download)

<sup>2</sup> *See* <https://www.justice.gov/oip/page/file/1197096/download> (Exemption 3 Guide);

<https://www.justice.gov/oip/page/file/1199421/download> (Procedural Requirement Guide)

<sup>3</sup> In a ruling issued while the *CIR v. DOJ* case was pending, the Second Circuit came to a different  
 26 conclusion in *Everytown v. ATF* than the Ninth Circuit did in *CIR v. DOJ* regarding whether ATF  
 27 firearm tracing data fell under FOIA Exemption 3. 984 F.3d 30 (2d Cir. 2020). But the *CIR* case  
 28 came second and the Ninth Circuit was aware of all of the arguments in the Second Circuit case.  
 Still, ATF did not petition the Supreme Court to address the circuit split.

1 Seeking to more fully understand the impact of ATF’s disregard for the Ninth Circuit ruling,  
2 CIR submitted a FOIA request to requesting for the number of times ATF denied a FOIA request  
3 for aggregate gun data subsequent to *CIR v. DOJ*. CIR also asked for all of ATF’s responses to  
4 FOIA requests citing either the Second Circuit’s *Everytown* case or *CIR v. DOJ*. ATF responded  
5 that in seventy-seven responses, ATF denied access to data and expressly declined to follow the  
6 Ninth Circuit’s binding precedent, even to the fourteen requesters within the Ninth Circuit’s  
7 geographic jurisdiction. *See* Baranetsky Decl. ¶¶ 7–9, Exs. C–E.<sup>4</sup> No other requester has received  
8 trace data since *CIR v. DOJ*. *See id.*

9 ATF’s actions impose an unreasonable burden on the public, FOIA requesters, and the  
10 courts. In choosing to take a position contrary to the law, ATF is forcing those rightfully seeking  
11 access to government data to relitigate these issues or stay silent. *Petroleum Info. Corp. v. United*  
12 *States Dep’t of Interior*, 976 F.2d 1429, 1439 (D.C. Cir. 1992) (“FOIA precedent, like the  
13 exemptions these decisions construe, must be read circumspectly, with the statute’s dominant  
14 disclosure direction always in view.”) Not all requesters have the capacity to vindicate their rights  
15 in court. CIR previously spent five years in court on these same issues, expending significant non-  
16 profit and pro bono resources. *See* Baranetsky Decl. ¶ 4. CIR should not have to revisit these same  
17 issues, or, as here, file amicus briefs to advocate for respect of *stare decisis*. *See Allen v. Milligan*,  
18 599 U.S. \_\_\_, 143 S.Ct. 1487 (2023) (Although statutory *stare decisis* is not absolute, “the Court  
19 has ordinarily left the updating or correction of erroneous statutory precedents to the legislative  
20 process.”) (Kavanaugh, J. concurring); *Ramos v. Louisiana*, 590 U. S. \_\_\_, 140 S.Ct. 1390, 1413

---

21  
22 <sup>4</sup> Federal dockets further reflect instances where the Government has defied the Ninth Circuit’s  
23 ruling on grounds unrelated to the ATF and the Tiahrt Amendment. *See Am. C.L. Union*  
24 *Immigrants’ Rts. Project v. United States Immigr. & Customs Enf’t*, 58 F.4th 643, 659 (2d Cir.  
25 2023); *see also Am. Small Bus. League v. United States Off. of Mgmt. & Budget*, No. 20-CV-07126-  
26 DMR, 2022 WL 4544726, at \*15 (N.D. Cal. Sept. 28, 2022) (applying the *CIR v. DOJ* precedent,  
27 noting that the Government is obligated to query existing government databases). In *ACLU*  
28 *Immigrants’ Rights Project v. ICE*, the government argued that searching a database for records was  
the creation of a new record, which the Ninth Circuit had already reversed in *CIR v. DOJ*. Citing to  
CIR’s decision, the Second Circuit reversed the district court’s 2021 order granting summary  
judgment to ICE, holding that requiring ICE to search existing database records to provide  
responsive, non-confidential access to public records was not creation of a new record.

1 (2020) (Kavanaugh, J. concurring in part); *see also, e.g., Kimble v. Marvel Entertainment, LLC*, 576  
 2 U.S. 446, 456 (2015); *Miller v. Gammie*, 335 F.3d 889, 893 (9th Cir. 2003) (en banc) (confirming  
 3 the Ninth Circuit’s stare decisis principle that a question already answered in binding precedent will  
 4 be controlled by that answer when the same question is presented in the future).<sup>5</sup> Nor is it  
 5 reasonable for the Government to burden the Court, a court currently under a judicial emergency,<sup>6</sup>  
 6 by taking positions contrary to governing law. Like the public, the Government should be bound by  
 7 rule of law.

8 **B. ATF’s Ongoing Attempt to Expand Exemption 3 and the Tiahrt Rider Beyond the**  
 9 **Plain Text of the OPEN FOIA Act Is A Clear Example of “Exemption Creep”**

10 At the heart of this case sits FOIA Exemption 3 which permits the government to withhold  
 11 records under FOIA, if a law prohibits disclosure of information *and* the statute qualifies as an  
 12 Exemption 3 withholding statute. Here, the government argues the Tiahrt Amendment meets that  
 13 standard. It claims the Tiahrt prohibits disclosure of the gun records and qualifies as a withholding  
 14 statute, according to the requirements in Exemption 3. However, that assertion is incorrect on both  
 15 accounts. But *amicus curiae* write not only to underscore that ATF’s position is legally wrong but to  
 16 underscore that ATF’s persistent use of the Tiahrt Amendment and Exemption 3 to withhold  
 17 records affronts Congress’ intent in the OPEN FOIA Act to avoid “exemption creep.”

18 To begin, Exemption 3 reads that government records are properly withheld under FOIA if  
 19 they are “specifically exempted from disclosure by statute.” 5 U.S.C. § 552(b)(3). The OPEN FOIA  
 20 Act of 2009 amended Exemption 3 to provide the requirement that: Exemption 3 will only apply to  
 21 a statute enacted after October 28, 2009 if that statute “specifically cites to” Exemption 3, 5 U.S.C.  
 22 §552(b)(3)(B). There is no dispute that the 2012 Tiahrt Rider, enacted November 18, 2011, does not  
 23 specifically cite to 5 U.S.C. §552(b)(3)(B). *See Consolidated Appropriations Act, 2012, Pub. L.*  
 24 *112-55, 125 Stat. 552, 610.* Consequently, by its plain language, the 2012 Tiahrt Rider is simply not

25 \_\_\_\_\_  
 26 <sup>5</sup> *See also Day v. Apoliona*, 496 F.3d 1027, 1031 (9th Cir. 2007) (confirming that district courts are  
 27 bound by circuit precedent); *County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S.  
 28 573, 106 L. Ed. 2d 472, 109 S. Ct. 3086 (1989).

<sup>6</sup> Administrative Office of the U.S. Courts, *Judicial Emergencies*, United States Courts (Jun. 21,  
 2023), <https://www.uscourts.gov/judges-judgeships/judicial-vacancies/judicial-emergencies>.

1 a withholding statute under Exemption 3. *Reporters Comm. For Freedom of Press v. US. Dep't of*  
 2 *Justice*, 816 F.2d 730, 735 (D.C. Cir. 1987) (explaining that applicability of Exemption 3 to a  
 3 statute is determined by the statute's actual words), *rev'd on other grounds by* 489 U.S. 749  
 4 (1989).<sup>7</sup>

5 But *amicus curiae's* concern does not end here. This case awakens Congress' core worry  
 6 about Exemption 3, that it can easily be abused by government to improperly exempt too much  
 7 government data outside the bounds of FOIA. Since FOIA Exemption 3 was passed in 1966,  
 8 Congress has been wary of Exemption 3's susceptibility of ballooning to the point that it would  
 9 swallow FOIA's general rule. For this reason, Congress has amended Exemption 3 multiple times to  
 10 make more stringent requirements to ensure that not just any statute could qualify as a withholding  
 11 statute. For instance, in 1976, Congress demanded withholding statutes include "sufficiently  
 12 definite standards" for withholding, rather than granting "broad discretion" to an agency to withhold  
 13 any and all records. 5 U.S.C. § 552(b)(3). Most recently, this was the core worry that compelled  
 14 Congress to pass the OPEN FOIA Act of 2009 after identifying an alarming number of statutes that  
 15 permitted withholding and were often written in very ambiguous terms.

16 In sponsoring the OPEN FOIA Act, Senator Patrick Leahy expressed deep concern over this  
 17 trend which he dubbed as "exemption creep" —a detriment to "the American public's right to  
 18 know," 155 Cong. Rec. S3175-76 (daily ed. Mar. 17, 2009). As a guard against such "exemption  
 19 creep," the OPEN FOIA Act's requires withholding statutes to "specifically cite [Exemption 3] in  
 20 order to have the statute qualify as a withholding statute." *See* Department of Homeland Security  
 21 Appropriations Act, Pub. L. No. 111-83, § 564, 123 Stat. 2142, 2184 (2009) (legislation containing  
 22 Open FOIA Act). Senator Leahy explained "(b)(3) statutory exemptions should be clear and  
 23 unambiguous" and any statute that does not explicitly cite FOIA Exemption 3 cannot qualify for the  
 24 exemption. *See* 155 Cong. Rec. S3175. In essence, the OPEN FOIA Act's requirement double  
 25 checks Congress' intent to withhold records under a statute and Exemption 3.

26 \_\_\_\_\_  
 27 <sup>7</sup> This is further underscored, by the fact that Congress enacted the 2010 Tiahrt Rider just 49 days  
 28 after it enacted the OPEN FOIA Act, again without any citation to or mention of Exemption 3.

1           Despite these attempts to limit the potential for abuse of Exemption 3, exemption creep has  
 2 continued to worsen in this country. While Congress has complied with the OPEN FOIA Act  
 3 requirement in certain withholding statutes, including the Dodd Frank Act of 2010, the National  
 4 Defense Authorization Act of 2012, and the Protecting and Securing Chemical Facilities From  
 5 Terrorist Attacks Act of 2014, an accelerating number of Exemption 3 statutes are still being passed  
 6 every year without the required language.<sup>8</sup> Moreover, since 2009, courts have regularly found  
 7 statutes to qualify as Exemption (b)(3) statutes even if they don't contain that language. U.S.  
 8 Department of Justice, *Statutes Found to Qualify under Exemption 3 of the FOIA*, (December  
 9 2016), <https://www.justice.gov/oip/page/file/623931/download>. Based on these circumstances,  
 10 federal agencies have calculated that approximately 79 statutes are used as Exemption (b)(3)  
 11 statutes, even when a vast majority of these statutes do not contain the required language. Victoria  
 12 Baranetsky, *Corporate Control of Public Information*, Columbia Journalism Review (May 11,  
 13 2023). One government report also confirmed, “agencies often rely on statutes as a basis for  
 14 Exemption 3 withholding without a court having determined whether the nondisclosure statute  
 15 qualifies as an Exemption 3 withholding statute.” Gina Stevens, *The Freedom of Information Act*  
 16 *and Nondisclosure Provisions in Other Federal Laws* (Sept. 24, 2010),  
 17 <https://fas.org/sgp/crs/secretary/R41406.pdf>.

18           Even more numerous than the quantity of Exemption 3 statutes that are passed is the  
 19 growing number of times these statutes are employed. U.S. Government Accountability Office,  
 20 *Freedom of Information Act: Update on Federal Agencies' Use of Exemption Statutes* (Feb. 11,  
 21 2021), <https://www.gao.gov/products/gao-21-148>. The DOJ calculated that between 2010 and 2019,  
 22 91 federal agencies reported withholding information using at least one of 256 withholding statutes  
 23 more than 525,000 times. *Id.* The DOJ also found that agencies' overall use of (b)(3) exemptions  
 24 more than doubled from fiscal year 2012 to fiscal year 2019. *Id.* Additionally, in fiscal year 2019,

---

26 <sup>8</sup> Dodd–Frank Wall Street Reform and Consumer Protection (Dodd–Frank) Act, Pub. L. No. 111-  
 27 203, 124 Stat. 1376 (2010); National Defense Authorization Act for Fiscal Year 2012, Pub. L. No.  
 28 112-81, 125 Stat. 1298, 1600–01, 1604 (2011); Protecting and Securing Chemical Facilities from  
 Terrorist Attacks Act of 2014, Pub. L. No. 113-254 (2014).

1 agencies used FOIA’s nine exemptions nearly 970,000 times, and of this total, agencies cited the  
 2 (b)(3) exemption nearly 72,000 times. *Id.* The DOJ’s report makes clear that the exemption is often  
 3 being used as a shield to disclosing important public information.

4 However, at least one recent ruling from the Ninth Circuit shined some optimism on the  
 5 problem of exemption creep. In *CIR v. DOJ*, all parties agreed that the Tiahrt Amendment *did not*  
 6 *cite* Exemption 3, as required under OPEN FOIA Act. 14 F.4th 916, 927 (“though enacted after the  
 7 OPEN FOIA Act of 2009, [the Tiahrt Rider] makes no reference to 5 U.S.C. § 552(b)(3)”). Based  
 8 on this plain and simple reading of the statutes, the Ninth Circuit held that “Exemption 3 does not  
 9 apply.” 14 F.4th at 927. The case ultimately helped enforce the explicit purpose of the OPEN FOIA  
 10 Act and Congress’ legislative intent to thwart the “alarming number of FOIA (b)(3) statutes” that  
 11 have not been carefully considered by Congress. 155 Cong. Rec. S3175-76.

12 For the government to then apply this same logic to this case not only affronts the Ninth  
 13 Circuit’s ruling, but it also ignores Congress’ long-standing concern that Exemption 3 not be  
 14 extended too far to devolve into exemption creep. *Dept. of Air Force v. Rose*, 425 U.S. 352, 361  
 15 (1976) (stating that Exemption 3 statutes should be read narrowly). This is particularly important in  
 16 a case like this one, involving a statute where Congress did not check its homework, and properly  
 17 cite Exemption 3, unlike other statutes where it has easily met this requirement. By upholding *CIR*  
 18 *v. DOJ*, this Court may help stop the growing number of Exemption 3 statutes, particularly those  
 19 not fully considered by Congress.

20 **C. ATF Incorrectly Interprets the Tiahrt Amendment Which Has a Specific Carve-**  
 21 **Out for Statistical Aggregate Data That Was Aimed To Aid Public Access**

22 The controlling and most recent iteration of the Amendment is the 2012 Tiahrt Rider (2012  
 23 Rider) that reenacted the 2010 Tiahrt Rider (2010 Rider).<sup>9</sup> *See* Pub. L. No. 111-117, 123 Stat. 3034,

24 <sup>9</sup> The first iteration of the Amendment passed in 2003 as a rider to an appropriations bill dictating  
 25 exactly how federal funds could be used to disclose information from ATF’s Firearms Trace  
 26 Database System. Consolidated Appropriations Resolution, 2003, Pub. L. No. 108-7, § 644, 117  
 27 Stat. 11, 473–74 (2003). Since then, different versions of the Tiahrt Amendment, limiting public  
 28 access to gun trace data, have been attached to several subsequent appropriation bills. *See*  
 Consolidated Appropriations Act, 2005, Pub. L. No. 108- 447, 118 Stat. 2809, 2859–60 (2004)  
 (2005 Rider); Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1844, 1903–

1 3128–29 (2009); Pub. L. No. 112-55, 125 Stat. 552, 609–10 (2011). *Amicus curiae* write to  
 2 highlight that not only the plain reading of the Tiahrt Amendment but the legislative purpose behind  
 3 it supports disclosure of records in this case.

4 Unlike the original Tiahrt Amendment passed in 2003 that explicitly prohibited the  
 5 disclosure of any ATF gun trace data pursuant to a FOIA request, Pub. L. No. 108-7 § 644 (2003),<sup>10</sup>  
 6 subsequent versions of the Tiahrt Amendment authorized the ATF to disclose gun trace data in to  
 7 benefit public access. In Congress’ most recent iteration of the Amendment, the 2012 Rider, it  
 8 adopted specific language from the 2010 Rider that provided a carve-out permitting the disclosure  
 9 of “statistical aggregate data.” The relevant section reads in part:

10 [D]uring the current fiscal year and in each fiscal year thereafter, no funds appropriated  
 11 under this or any other Act may be used to disclose part or all of the contents of the Firearms  
 12 Trace System Database maintained by [ATF] . . . **except that this proviso shall not be**  
 13 **construed to prevent . . . the publication of** annual statistical reports on products regulated  
 14 by [ATF], including total production, importation, and exportation . . . , **or statistical**  
**aggregate data** regarding firearms traffickers and trafficking channels, or firearms misuse,  
 felons, and trafficking investigations[.]

15 Pub. L. 112-55, 125 Stat. 552, 609-610 (2011).

16 When it comes to interpreting statutory FOIA exemptions, the Supreme Court has held that  
 17 “a court’s proper starting point lies in a careful examination of the ordinary meaning and structure  
 18 of the law itself.” *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2364 (2019). Here, the  
 19 structure of the statute supports the argument that the Rider was in favor of at least some public  
 20 access. While the 2012 Rider restates the general rule that the ATF cannot disclose data, the second  
 21 section of the law narrows this broad restriction with several exceptions. *See* Pub. L. 112-55, 125  
 22 Stat. 552, 610 (2011). It states, that the Tiahrt Amendment “shall not be construed to prevent” the  
 23 disclosure of certain aggregate data, including “statistical aggregate data.” *Id.*

24  
 25 \_\_\_\_\_  
 26 04 (2007) (2008 Rider); Consolidated Appropriations Act, 2010, Pub. L. No. 111-117, 123 Stat.  
 3034, 3128–29 (2009) (2010 Rider); Consolidated and Further Appropriations Act, 2012, Pub. L.  
 No. 112-55, 125 Stat. 552, 609–10 (2011) (2012 Rider).

27 <sup>10</sup> *See* James V. Grimaldi & Sari Horowitz, *Industry Pressure Hides Gun Trace, Protects Dealers*  
 28 *from Public Scrutiny*, WASH. POST, Oct. 24, 2010.

1 As analyzed by the Congressional Research Service, this specific exception to the general  
2 withholding exemption permits for disclosure. William Krouse, Cong. Research Serv., RS22458,  
3 *Gun Control: Statutory Disclosure Limitation on ATF Firearms Trace Data* (2009),  
4 <https://sgp.fas.org/crs/misc/RS22458.pdf> (stating Tiahrt’s exception “does not prohibit the release  
5 of aggregate statistical data on illegal gun trafficking or statistical information on the U.S. firearms  
6 industry”). Recognizing that previous Tiahrt Amendments had severely limited the authority of the  
7 ATF to disclose trace data to the public, its language was “modified to authorize the release of  
8 aggregate firearms trace data on illegal gun trafficking.” *Id.* In essence, gun trace data was supposed  
9 to become more accessible to journalists, academics and the public at large.<sup>11</sup> Thus, the ordinary  
10 meaning and structure of the 2012 Rider do not justify withholding statistical gun data.

11 Beyond the plain language of the Amendment, the Government’s argument for  
12 nondisclosure is inconsistent with the purported aims of the original Amendment. The 2003 Tiahrt  
13 Amendment was passed to address two main disclosure concerns: (1) possible privacy violations  
14 privacy stemming from identifiable trace records and (2) the release of “sensitive law enforcement  
15 information” that could jeopardize ongoing gun trafficking investigations. *See* H.R. Rep. No. 576,  
16 108th Cong., 2d Sess. (2004); *see also* *Watkins v. ATF*, No. 04-800, 205 WL 2334277, at \*1  
17 (D.D.C. Sept. 24 1, 2005) (concluding the Amendment “sought to prevent the public release of  
18 sensitive firearms trace data [...] out of concern that such disclosures could jeopardize criminal  
19 investigations”). Release of the aggregate gun trace data requested by Mr. Lindsay-Poland does not  
20 undermine either of these concerns.

21 In enacting the most recent iteration of the Tiahrt Amendment in 2012, Congress recognized  
22 how critically important the ATF’s gun trace data is to the public. Thus, disclosure of this crucial  
23 gun trace data in its aggregate form aligns with both the Congress’ original and updated purpose of  
24 the Tiahrt Amendment.

25  
26  
27 <sup>11</sup> Since the enactment of the 2012 Tiahrt Amendment, the ATF has represented that the only trace  
28 gun data released by the agency pursuant to FOIA was the data provided to CIR in accordance with  
the Ninth Circuit decision in *CIR v. DOJ*, 14 F.4th 916 (9th Cir. 2021).

1           **D. Withholding the Data Sought Impedes the Press and Harms the Public**

2           As explained above ATF reasserts incorrect interpretations of Exemption 3 and the Tiahrt  
3 Amendment. These interpretations are not only legally wrong, but they also unjustly burden the  
4 public’s right to know. By blocking members of the press and public from accessing gun trace data,  
5 reporters are unable to analyze, understand and reveal crucial trends and patterns involving firearms  
6 in the United States. This also consequently prevents Congress and state legislatures from  
7 identifying and examining the specific information needed to shape and inform legislation that  
8 involve these issues.

9           As the Supreme Court has recognized, “[t]he Constitution specifically selected the press . . .  
10 to play an important role in the discussion of public affairs.” *Mills v. Alabama*, 384 U.S. 214, 219  
11 (1966). Moreover, “a press that is alert, aware, and free most vitally serves the basic purpose of the  
12 First Amendment. For without an informed and free press there cannot be an enlightened people.”  
13 *N.Y. Times Co. v. United States*, 403 U.S. 713, 728 (1971) (Stewart, J., concurring). ATF’s  
14 interpretation of Exemption 3 and the Tiahrt Amendment undermines these fundamental principles  
15 by incorrectly damming the flow of valuable information, found only in the ATF’s trace database.

16           With the concerning rise in gun-related crimes across the nation, the American public has  
17 come to rely on local, national, and international news outlets to be informed on how this alarming  
18 trend has grown into a full-scale public health crisis. In turn, the press *should* be able to rely on ATF  
19 gun data in their reporting to explain and analyze the recent surge in gun violence and the flow of  
20 firearms. However, such reporting efforts are stymied when the data provided is a mere “glimpse”  
21 into firearm tracing.<sup>12</sup> By obstructing access to the limited aggregate gun-trace data held within the

22 \_\_\_\_\_  
23 <sup>12</sup> Jaclyn Diaz, *6 major takeaways from the ATF’s first report in 20 years on U.S. gun crime*, NPR  
24 (Feb. 10, 2023), <https://www.npr.org/2023/02/10/1153977949/major-takeaways-from-the-atf-gun-violence-report>; see e.g., Champe Barton, *New Data Suggests a Connection Between Pandemic Gun Sales and Increased Violence*, THE TRACE (Dec. 8, 2021), <https://www.thetrace.org/2021/12/atf-time-to-crime-gun-data-shooting-pandemic/>; Jeff Asher, *Newly purchased firearms may play a role in US murder surge, data suggests*, THE GUARDIAN (Sept. 30, 2022), <https://www.theguardian.com/us-news/2022/sep/30/us-murder-rate-increase-firearms>; Maggie Prosser, *ATF Ballistics Data Network Takes aim at Gun Crime*, GOVERNMENT TECHNOLOGY (Nov. 29, 2022), <https://rb.gy/6kwtn>; Jeff Asher & Rob Arthur, *The Data Are Pointing to One Major Driver of America’s Murder Spike*, THE ATLANTIC (Jan. 10, 2022), <https://rb.gy/fjsi0>; Cara Tabachnick, *Ghost*

1 ATF’s database, the press is put at a severe disadvantage, exacerbating gun violence in the United  
2 States and this detrimental cost is ultimately borne by the public.

3 In addition to supplying critical information to citizens to help them make informed  
4 decisions about public health and safety, public access to the data also enables government action  
5 and intervention.<sup>13</sup> Congress has the power “to secure needed information” in order to legislate, and  
6 this “power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the  
7 legislative function.” *McGrain v. Daugherty*, 273 U.S. 135, 161, 174 (1927). This power is  
8 “indispensable” because without information Congress would be shooting in the dark, unable to  
9 legislate wisely or effectively, *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019 (2020); *McGrain* 273  
10 U.S. at 175 (1927), however in order to effectively yield this influence, Congress must be made  
11 aware of where to focus its legislative attention and policymaking endeavors. *Comm. on the*  
12 *Judiciary, U.S. House of Representatives v. McGahn*, 968 F.3d 755, 760 (D.C. Cir. 2020) (en  
13 banc).<sup>14</sup> Investigative news organizations and media outlets have long played a part in identifying  
14 matters of public concern that require government action.<sup>15</sup> Thus, access to public records for in  
15 depth investigative reporting is essential not only for a well-informed society, but also a functioning  
16 democracy. This kind of reporting is nearly impossible to achieve when laws, like Exemption 3 and  
17  
18

---

19 *gun use in U.S. crimes has risen more than 1,000% since 2017, federal report says*, CBS NEWS  
20 (Feb. 2, 2023), <https://rb.gy/z76qf>.

21 <sup>13</sup> Investigative journalists were the first to bring attention to the lack of available and dependable  
22 COVID tracking data in the US because the Center for Disease Control and Prevention didn’t have  
23 a centralized way of collecting data on new COVID cases and hospitalizations. See Artis Curiskis  
24 and Kara Oehler, *The COVID Tracking Project Part 1-3*, Reveal (Apr. 15, 2023),  
25 <https://revealnews.org/article/covid-tracking-project>.

26 <sup>14</sup> “Congress cannot intelligently legislate without identifying national problems in need of  
27 legislative solution and relying on testimony and data that provide a deeper understanding of those  
28 problems, their origins, and potential solutions.” *McGahn*, 968 F.3d at 760.

<sup>15</sup> See e.g., Dana Priest and Anne Hull, *Soldiers Face Neglect, Frustration At Army’s Top Medical Facility*, *The Washington Post* (Feb. 18, 2007) (The *Post* conducted a 4-month investigation of the substandard medical treatment wounded soldiers received at Walter Reed Army Medical Center and because of the ensuing two-part feature, the military instituted sweeping policy changes and the Secretary of the Army and the two-star general in charge of the medical facility lost their jobs); see also Martin Linsky, *Impact: How the Press Affects Federal Policymaking*, W.W. Norton (1986).

1 the Tiahrt Rider are broadly misconstrued to effectively undermine the very access and transparency  
2 the FOIA was intended to advance and protect.

3 **IV. CONCLUSION**

4 For the foregoing reasons, CIR respectfully requests that the Court grant Plaintiff's Motion  
5 for Summary Judgment and hold the Government to the binding Ninth Circuit precedent *amicus*  
6 *curiae* secured years ago.

7

8 DATED: August 7, 2023

Respectfully submitted,

9

10

s/ D. Victoria Baranetsky  
D. Victoria Baranetsky,  
Cal. Bar No. 311892  
Dara Gray, Cal. Bar No. 349865  
THE CENTER FOR INVESTIGATIVE  
REPORTING  
1300 65th Street, Suite 200  
Emeryville, CA 94608  
Telephone: (510) 982-2890  
Fax: (510) 849-6141  
vbaranetsky@revealnews.org

11

12

13

14

15

16

Meghan Fenzel  
Cal Bar No. 324139  
mfenzel@jassyvick.com  
JASSY VICK CAROLAN LLP  
355 South Grand Avenue, Suite 2450  
Los Angeles, California 90071  
Telephone: (310) 870-7048  
Facsimile: (310) 870-7010

17

18

19

20

21

Counsel for *Amicus Curiae*  
CENTER FOR INVESTIGATIVE  
REPORTING

22

23

24

25

26

27

28

1 D. VICTORIA BARANETSKY (SBN 311892)  
2 DARA GRAY (SBN Pending)  
3 **THE CENTER FOR INVESTIGATIVE**  
4 **REPORTING**  
5 1300 65th Street, Suite 200  
Emeryville, CA 94608  
Telephone: (510) 982-2890  
Fax: (510) 849-6141  
vbaranetsky@revealnews.org

6 MEGHAN FENZEL (SBN 324139)  
7 **JASSY VICK CAROLAN LLP**  
8 355 South Grand Avenue, Suite 2450  
Los Angeles, California 90071  
Telephone: 310-870-7048  
Facsimile: 310-870-7010  
mfenzel@jassyvick.com

10 Counsel for Amicus Curiae  
11 THE CENTER FOR INVESTIGATIVE  
12 REPORTING

13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

17 JOHN LINDSAY-POLAND

18 Plaintiff,

19 vs.

20 UNITED STATES DEPARTMENT OF  
21 JUSTICE; and BUREAU OF ALCOHOL,  
22 TOBACCO, FIREARMS AND  
EXPLOSIVES,

23 Defendants.

Case No. 3:22-cv-7663-EMC

**DECLARATION OF**  
**D. VICTORIA BARANETSKY**

**DECLARATION OF D. VICTORIA BARANETSKY**

1  
2 I, D. Victoria Baranetsky, under penalty of perjury and subject to 28 U.S.C. § 1746, declare  
3 as follows:

4 1. I am an attorney of record for *amicus curiae* in this matter, the Center for  
5 Investigative Reporting (“CIR” d/b/a “Reveal”). I am a member in good standing of the California  
6 State Bar and am admitted to practice before this Court. I have personal knowledge of the matters  
7 stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth  
8 here.

9 2. I am General Counsel at the Center for Investigative Reporting, which is a nonprofit  
10 public benefit corporation that is tax-exempt under section 501(c)(3) of the Internal Revenue Code,  
11 established under the laws of California with its principal place of business in Emeryville, CA.

12 3. No party’s counsel has authored the attached amicus brief, in whole or in part, nor  
13 has any person other than *amicus curiae*, its members, or its counsel contributed money that was  
14 intended to fund preparing or submitting this brief.

15 4. From 2017 through 2022, CIR litigated a FOIA case seeking to gain access to  
16 statistical aggregate data on firearm tracing from the Bureau of Alcohol, Tobacco, Firearms, and  
17 Explosives (“ATF”) and won. ATF sought rehearing *en banc* of the Ninth Circuit decision, paid  
18 CIR a six-figure attorneys’ fees settlement, and did not petition the Supreme Court for writ of  
19 certiorari.

20 5. In April 2022, while discussing attorneys’ fees with ATF’s counsel in the *CIR v.*  
21 *DOJ* case, CIR’s counsel expressed concerns about the agency’s response to Mr. Lindsay-Poland’s  
22 request and whether the agency was following the binding Ninth Circuit precedent. CIR’s counsel  
23 asked ATF over email, “Does the Government intend to ignore the Ninth Circuit’s decision . . .  
24 regarding FOIA requests that arise within its geographic jurisdiction?” CIR received no response.  
25 Attached as **Exhibit A** is a true and correct copy of my April 5, 2022 email to Mary Carney at the  
26 ATF inquiring about “a response to a very similar FOIA request (submitted by John Lindsay-Poland  
27 of Oakland, California), in which ATF refused to provide the requested information.”  
28

1           6.       Former CIR journalist, Alain Stephens who was the FOIA requester in the *CIR v.*  
2 *DOJ* lawsuit, submitted a 2023 request to ATF seeking updated data to the kind the agency had  
3 previously disclosed as a result of *CIR v. DOJ*. ATF denied Mr. Stephens' 2023 request despite the  
4 *CIR v. DOJ* ruling in favor of disclosure. In the denial, the Government provided its legal basis:

5           [T]he Second Circuit held that the requested information is exempt from disclosure. *See*  
6 *Everytown for Gun Safety Support Fund v. ATF*, 984 F.3d 30 (2d Cir. 2020). Although the  
7 Ninth Circuit recently reached a different result on trace data in *Center for Investigative*  
8 *Reporting v. U.S. Department of Justice*, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit  
expressly did not address the ground on which the Second Circuit prohibited disclosure, *see*  
*id.* at 932-33.

9 Attached as **Exhibit B** is a true and correct copy of the March 30, 2023 email from Alain Stephen to  
10 me, attaching the ATF's March 30, 2023 "Final Response FOIA Request 2023-00744."

11           7.       Seeking to understand the ATF's decision to ignore this Ninth Circuit ruling, on  
12 March 27, 2023 CIR's attorney submitted a FOIA request to ATF asking for all of the agency's  
13 responses to FOIA requests that have requested aggregate firearm trace data and responses that  
14 either cited the Second Circuit's *Everytown* case or the Ninth Circuit *CIR* case. Attached as **Exhibit**  
15 **C** is a true and correct copy of that March 27, 2023 FOIA request.

16           8.       In response, ATF informed CIR that "there are close to 80 FOIA responses that cite  
17 CIR and/or *Everytown* and fewer than 20 responses denying requests for statistical aggregate trace  
18 data," ATF further advised CIR that "the only trace data ATF has released pursuant to FOIA is that  
19 which we provided to you [CIR] after the 9th Circuit decision." Attached as **Exhibit D** is a true and  
20 correct copy of the email correspondence between me and Mary Carney, Attorney Advisor,  
21 Information & Privacy Governance Division of ATF from March 29, 2023 through July 14, 2023.

22           9.       After several months of delays, ATF produced a chart to CIR compiling the other  
23 FOIA requests ATF has denied that cite to either Second Circuit's *Everytown* case or the Ninth  
24 Circuit *CIR* case. That chart included eighty (80) FOIA requests seeking firearm tracing data and  
25 their denials from the Government. Fourteen (14) of those requests came from within the Ninth  
26 Circuit's geographical jurisdiction, only six (6) came from within the Second Circuit's jurisdiction,  
27 and 60 came from neither the Ninth or Second Circuit. The denials included this language: "On that  
28 basis, the Second Circuit held that the requested information is exempt from disclosure. *See*

1 *Everytown for Gun Safety Support Fund v. ATF*, 984 F.3d 30 (2d Cir. 2020). Although the Ninth  
2 Circuit recently reached a different result on trace data in *Center for Investigative Reporting v. U.S.*  
3 *Department of Justice*, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the  
4 ground on which the Second Circuit prohibited disclosure, see *id.* at 932-33.” Attached as **Exhibit**  
5 **E** is a true and correct copy of the FOIA response records ATF produced to CIR on July 20, 2023.

6  
7 I declare under penalty of perjury that the foregoing is true and correct.

8 Dated: August 7, 2023

Respectfully submitted,

9

10

/s/ D. Victoria Baranetsky

11

D. Victoria Baranetsky

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



Meghan Fenzel &lt;mfenzel@jassyvick.com&gt;

**Fwd: CIR v. DOJ**

1 message

**Meghan Fenzel** <meghan.fenzel@gmail.com>  
To: Meghan Fenzel <mfenzel@jassyvick.com>

Mon, Mar 27, 2023 at 9:57 AM

----- Forwarded message -----

From: **Victoria Baranetsky** <vbaranetsky@revealnews.org>  
Date: Mon, Mar 27, 2023 at 9:55 AM  
Subject: Fwd: CIR v. DOJ  
To: Meghan Fenzel <meghan.fenzel@gmail.com>, Dara Gray <dgray@revealnews.org>, Anise McKinney <amckinney@revealnews.org>

To be discussed tomorrow.

Vickie

----- Forwarded message -----

From: **Victoria Baranetsky** <vbaranetsky@revealnews.org>  
Date: Tue, Apr 5, 2022 at 12:09 PM  
Subject: CIR v. DOJ  
To: <Mary.Carney@atf.gov>  
Cc: Andrew Bridges <abridges@fenwick.com>, Shawn Musgrave <smusgrave@revealnews.org>, Rina Plotkin <rplotkin@fenwick.com>, Todd Gregorian <TGregorian@fenwick.com>

Dear Ms. Carney,

I represent The Center for Investigative Reporting and write to follow up on the Ninth Circuit's decision - regarding a FOIA for data in ATF's trace database. As you know the Ninth Circuit found in CIR's favor that ATF had to release statistical aggregate data from the agency's database - and has just made its disclosure in that case after 5 years of litigation.

Despite this ruling in CIR's favor and the agency's recent disclosure, CIR has become aware of a response to a very similar FOIA request (submitted by John Lindsay-Poland of Oakland, California), in which ATF refused to provide the requested information. ATF's response cited to the Ninth Circuit decision, but chose to follow the Second Circuit's decision in *Everytown for Gun Safety v. ATF*, 984 F.3d 30 (2d. Cir. 2020) in order to justify its withholding.

This response puzzles us, and seems to flout Ninth Circuit law - based on an *en banc* decision - and it provokes a question: Does the Government intend to ignore the Ninth Circuit's decision, and the principles it relied upon, regarding FOIA requests that arise within its geographic jurisdiction? This is especially our question, given the government's decision not to petition for certiorari. Was the refusal of Mr. Lindsay-Poland's request an oversight of the Ninth Circuit's decision or a deliberate refusal to acknowledge it? We look forward to your prompt response.

Yours very truly,

Victoria

--

Victoria D. Baranetsky  
General Counsel  
(w) 510-982-2890  
(c) 201-306-4831  
PGP EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5



--

Victoria D. Baranetsky  
General Counsel  
(w) 510-982-2890  
(c) 201-306-4831  
PGP EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5



--

**Meghan Fenzel**



Meghan Fenzel &lt;mfenzel@jassylvick.com&gt;

---

**Fwd: Final Response FOIA Request 2023-00744**

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org>

Thu, Mar 30, 2023 at 1:18 PM

To: Anise McKinney &lt;amckinney@revealnews.org&gt;, Dara Gray &lt;dgray@revealnews.org&gt;, Meghan Fenzel &lt;mfenzel@jassylvick.com&gt;

FYI, see below.

----- Forwarded message -----

From: **Alain Stephens** <alaincstephens@gmail.com>

Date: Thu, Mar 30, 2023 at 12:50 PM

Subject: Fwd: Final Response FOIA Request 2023-00744

To: Victoria Baranetsky &lt;vbaranetsky@revealnews.org&gt;

They denied me via 2nd Circuit. This wasn't even for aggregate data, but indicator codes. Something they originally gave us early on in the lawsuit, before it was even heard. I attached a previous version on the initial FOIA request as an example, saying I simply needed an update.

This is outrageous. Also The Trace is in the midst of some legal battling with FOIA's at ATF as well.

I'm seeing if anyone else has aggregate data problems. Or other denials based on the 2nd Circuit.

-Alain

----- Forwarded message -----

From: **richard.hahn@atf.gov** <noreply@securerelapse.us>

Date: Thu, Mar 30, 2023 at 12:28 PM

Subject: Final Response FOIA Request 2023-00744

To: &lt;alaincstephens@gmail.com&gt;

March 30, 2023

Refer to: 2023-00744

Mr. Alain Stephens

4945 Del Monte Avenue, Apartment 9

San Diego, CA 92107-3266

Dear Mr. Stephens:

This responds to your Freedom of Information Act (FOIA) request dated March 6, 2023, and received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on the same date, in which you requested records concerning the ATF Trace Indicator Code List. Your

request was assigned number 2023-00744. Please refer to this number in any future correspondence.

You requested material contained in ATF's Firearms Trace System (FTS) database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.

Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.

You included with your request an example of an ATF Trace Indicator Code List. Prior to 2005, ATF provided a FTS FOIA disk to the public as the appropriation restriction in place at that time permitted the disclosure of FTS data "the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. § 552 prior to the date of the enactment of this Act." In addition, and around this same time-period, some FTS data categories were provided in civil litigations. Among the FTS data categories publicly released at that time was the ATF Trace Indicator Code List.

As you are aware, in 2005, Congress amended the restriction and included the language that no funds "may be used to disclose part or all the contents of the FTS database maintained by the National Tracing Center." The information you are requesting, specifically the ATF Trace Indicator Code list, is contained in the FTS database. The information you requested are created in and solely reside in the FTS database. Therefore, because the restriction requires withholding the contents of the FTS database, we are required to withhold the records you requested in full pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3).

On that basis, the Second Circuit held that the requested information is exempt from disclosure. See *Everytown for Gun Safety Support Fund v. ATF*, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in *Center for Investigative Reporting v. U.S. Department of Justice*, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see *id.* at 932-33.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Zina Kornegay, 202-648-7390, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (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, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Adam C. Siple  
Chief  
Information and Privacy Governance Division

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and any disclosure, copying, or distribution of this message, or the taking of any action based on it, by you is strictly prohibited.

Deloitte refers to a Deloitte member firm, one of its related entities, or Deloitte Touche Tohmatsu Limited ("DTTL"). Each Deloitte member firm is a separate legal entity and a member of DTTL. DTTL does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) to learn more.

v.E.1

--

null

the  
center for  
investigative  
reporting

Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Privacy and Governance (IPG) Division, Room 4E.301  
99 New York Avenue, NE  
Washington, DC 20226  
(202) 648-8740

March 27, 2023

**VIA ELECTRONIC PORTAL**

**Re: Request for Bureau of Alcohol, Tobacco, Firearms and Explosives Records**

Dear ATF Public Records Coordinator:

I am writing on behalf of The Center for Investigative Reporting (“CIR”), the oldest non-profit investigative newsroom in the country. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request records showing the following:

- The number of times between January 2020 to present day that the ATF has denied records containing statistical aggregate data;
- If possible the jurisdictions where those requests were made;
- The number of times between January 2020 to present day that the ATF has denied records containing statistical aggregate data citing *Everytown for Gun Safety v. ATF*, 984 F.3d 30 (2d. Cir. 2020);
- The number of times between January 2020 to present day that the ATF has disclosed records containing statistical aggregate data; and
- Any FOIA responses from the agency that cite *Ctr. for Investigative Reporting v. U.S. Dep’t of Just.*, 982 F.3d 668, 674 (9th Cir. 2020); *Ctr. for Investigative Reporting v. DOJ*, 14 F.4d 916 (9th Cir. 2021) (Wardlaw, J.), withdrawing, 982 F.3d 668 (9th Cir. 2020) and/or *Everytown for Gun Safety v. ATF*, 984 F.3d 30 (2d. Cir. 2020).

As your agency knows, the U.S. Ninth Circuit Court of Appeals found in *Ctr. for Investigative Reporting v. U.S. Dep’t of Just.*, 982 F.3d 668, 674 (9th Cir. 2020) that the ATF had to release “statistical aggregate data” from the agency’s database. Despite this ruling, CIR has become aware of an agency denial for a very similar FOIA request (submitted by John Lindsay-Poland of Oakland, California). ATF’s denial to Mr. Lindsay-Poland cited *Ctr. for Investigative Reporting*,

but chose to follow the Second Circuit's decision in *Everytown for Gun Safety v. ATF*, 984 F.3d 30 (2d. Cir. 2020) in order to justify its withholding.

If possible, I would prefer that these records be provided in a machine-readable format, such as a CSV or Excel file, and transferred electronically. Because this request is being made by a non-profit newsroom to serve the public interest, I further ask that you waive any fees for provision of the records. Additionally, please notify me of costs before taking any billable steps.

If you deny this request in whole or in part, I request that you respond with the statutory exemption underlying the denial and the reasoning therein. If an asserted exemption applies to only a portion of a record, please delete or redact the portion to which the exemption applies.

If you have any questions about my request, please do not hesitate to e-mail me or call me. The Center for Investigative Reporting's legal counsel is also copied on this letter. We look forward to a response within 20 business days under the provisions of the Freedom of Information Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Victoria Baranetsky', with a stylized flourish at the end.

cc: D. Victoria Baranetsky, General Counsel, The Center for Investigative Reporting

Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>

---

**RE: ATF FOIA Request (2023-00840)**

31 messages

**Carney, Mary E. (ATF)** <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>

Wed, Mar 29, 2023 at 8:51 AM

To: Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>Cc: Anise McKinney <[amckinney@revealnews.org](mailto:amckinney@revealnews.org)>, Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassyvick.com](mailto:mfenzel@jassyvick.com)>

Ms. Baranetsky,

I have a couple clarification questions. I'm happy to work with one of your colleagues on this and future process questions, if you would prefer. I just want to be sure I understand the scope of the request. My initial presumption was that your request would focus on trace data and FOIA responses to requests for trace information, but the terms of the request do not clearly limit the scope to those matters.

- Does the term "statistical aggregate data" refer to statistical aggregate trace data, as it did in the 9<sup>th</sup> Circuit case, or did you mean for it to encompass requests for statistical aggregate data of any kind?
- Are the first three bullets, like the fourth, targeting responses to FOIA requests or do they encompass any type of request for statistical aggregate data (as that term will be defined by your response to my first question), e.g., Congressional, media, and law enforcement requests?

If the scope is limited to FOIA requests for statistical aggregate trace data within the designated date range, I think we can gather this information in a relatively short period of time. Of course, a broader scope will take more time because we will need to work with other parts of the agency to identify and obtain all responsive records. Either way, I will do my best to move this along as quickly as possible.

Thank you for your time and attention to this matter.

Mary

Mary E. Carney

Attorney Advisor

Information &amp; Privacy Governance Division

Bureau of Alcohol, Tobacco, Firearms &amp; Explosives

---

**From:** Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>**Sent:** Tuesday, March 28, 2023 10:30 PM**To:** Siple, Adam C. (ATF) <[Adam.Siple@atf.gov](mailto:Adam.Siple@atf.gov)>**Cc:** Anise McKinney <[amckinney@revealnews.org](mailto:amckinney@revealnews.org)>; Carney, Mary E. (ATF) <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>; Dara Gray

<dgray@revealnews.org>; Meghan Fenzel <mfenzel@jassyvick.com>  
**Subject:** [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] ATF FOIA Request

Thanks all.

On Tue, Mar 28, 2023 at 6:10 PM Siple, Adam C. (ATF) <Adam.Siple@atf.gov> wrote:

<https://www.atf.gov/resource-center/freedom-information-act-foia>

---

**From:** Siple, Adam C. (ATF)  
**Sent:** Tuesday, March 28, 2023 8:53 PM  
**To:** Victoria Baranetsky <vbaranetsky@revealnews.org>  
**Cc:** Meghan Fenzel <mfenzel@jassyvick.com>; Dara Gray <dgray@revealnews.org>; Anise McKinney <amckinney@revealnews.org>; Carney, Mary E. (ATF) <Mary.Carney@atf.gov>  
**Subject:** RE: [EXTERNAL] Re: [EXTERNAL] ATF FOIA Request

Thanks, Victoria. I asked because it states “via electronic portal” in the letter. We will go ahead and get this one logged in manually. For future requests, please note that we now have an online portal that allows you to directly enter requests in through our website. Your request will go directly into our case management system that way, and you will receive automated updates.

Consider this request received. Attorney Advisor Mary Carney, who I have added to the CC line, will take the lead on this particular request. Most of this information should reside within my office, but it may take some work to compile the response, based on prior FOIA responses.

One final thought — our new system, deployed in September 2021 is easier to search. I'll let Mary work through the details because perhaps we might start by working forward from September 2021.

Adam

**Adam Siple**

Chief, Information and Privacy Governance Division

Office of Public and Governmental Affairs

Bureau of Alcohol, Tobacco, Firearms and Explosives

202-648-7809

**From:** Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
**Sent:** Tuesday, March 28, 2023 6:05 PM  
**To:** Siple, Adam C. (ATF) <[Adam.Siple@atf.gov](mailto:Adam.Siple@atf.gov)>  
**Cc:** Meghan Fenzel <[mfenzel@jassyvick.com](mailto:mfenzel@jassyvick.com)>; Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>; Anise McKinney <[amckinney@revealnews.org](mailto:amckinney@revealnews.org)>  
**Subject:** [EXTERNAL] Re: [EXTERNAL] ATF FOIA Request

No, I did not. Please confirm when possible.

Thanks,

Victoria

On Tue, Mar 28, 2023 at 2:48 PM Siple, Adam C. (ATF) <[Adam.Siple@atf.gov](mailto:Adam.Siple@atf.gov)> wrote:

Hi Victoria,

Was this submitted through the Portal as well? Just checking.

Adam

**Adam Siple**

Chief, Information and Privacy Governance Division  
Office of Public and Governmental Affairs  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
202-648-7809

---

**From:** Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
**Sent:** Tuesday, March 28, 2023 5:43 PM  
**To:** Siple, Adam C. (ATF) <[Adam.Siple@atf.gov](mailto:Adam.Siple@atf.gov)>  
**Cc:** Meghan Fenzel <[mfenzel@jassyvick.com](mailto:mfenzel@jassyvick.com)>; Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>; Anise McKinney <[amckinney@revealnews.org](mailto:amckinney@revealnews.org)>  
**Subject:** [EXTERNAL] ATF FOIA Request

Dear Adam.

I hope you are doing well. Attached please find a FOIA request from CIR. Please confirm receipt of this email.

Thank you.

Victoria

--

Victoria D. Baranetsky

General Counsel

**(w)** 510-982-2890

**(c)** 201-306-4831

**PGP** EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5



--

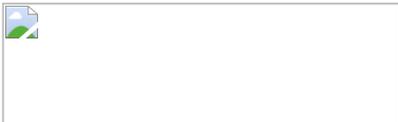
Victoria D. Baranetsky

General Counsel

**(w)** 510-982-2890

**(c)** 201-306-4831

**PGP** EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5



--

null

**Victoria Baranetsky** <vbaranetsky@revealnews.org>

Wed, Mar 29, 2023 at 11:36 AM

To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>

Cc: Anise McKinney <amckinney@revealnews.org>, Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Thank you for your response. To answer your question, yes this is just with regards to trace data - as it is what the statute is referring to.

Thanks,

Vickie

[Quoted text hidden]

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>

Wed, Mar 29, 2023 at 11:50 AM

To: Victoria Baranetsky <vbaranetsky@revealnews.org>

Cc: Anise McKinney <amckinney@revealnews.org>, Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassylvick.com>

Thank you for the quick response to my first question. Could you also please let me know if you are looking for information about requests made outside of the FOIA context? I don't know if we have non-FOIA requests/responses, but I need to know whether we need to search for records in other offices.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

<https://www.atf.gov/resource-center/freedom-information-act-foia>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

--

[Quoted text hidden]

--

Victoria D. Baranetsky

General Counsel

**(w)** 510-982-2890

**(c)** 201-306-4831

**PGP** EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5

--

null

--

Victoria D. Baranetsky

General Counsel

(w) 510-982-2890

(c) 201-306-4831

PGP EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5

[Redacted]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org> Wed, Mar 29, 2023 at 12:16 PM  
 To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
 Cc: Anise McKinney <amckinney@revealnews.org>, Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

No, we are not looking for information about requests made outside of the FOIA context.

[Quoted text hidden]

[Quoted text hidden]




---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov> Wed, Mar 29, 2023 at 12:17 PM  
 To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
 Cc: Anise McKinney <amckinney@revealnews.org>, Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Great, thank you!

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org> Wed, Jun 7, 2023 at 4:44 PM  
 To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
 Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>, "Siple, Adam C. (ATF)" <Adam.Siple@atf.gov>

Hello Mary

It has been several months since we last spoke. Are there any updates on the response to this request. It seemed like when we last spoke this was hopefully a relatively easy request. Can you please provide an update on an ETA for production?

Thanks,  
Victoria

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov> Tue, Jun 13, 2023 at 8:20 AM  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>, "Siple, Adam C. (ATF)" <Adam.Siple@atf.gov>

Hi Victoria,

My apologies for the delayed response. I was out of the office Thursday and Friday.

I need to brief Adam today on a technical issue that has hampered my efforts to close out this request. As soon as I finish briefing him, I will get back to you with an explanation of the problem and a list of options for resolving it. Once we agree on a path forward, we should be able to close this out quickly. I identified all the responsive records – the only issue is how best to provide them to you given our system's capabilities.

I appreciate your patience.

Mary

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org> Tue, Jun 13, 2023 at 8:58 AM  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>, "Siple, Adam C. (ATF)" <Adam.Siple@atf.gov>

Thank you for the update. Can you please let us know by the end of the week the status of the request after you speak with Adam?

[Quoted text hidden]

--

null

---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov> Tue, Jun 13, 2023 at 9:09 AM  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>, "Siple, Adam C. (ATF)" <Adam.Siple@atf.gov>

Of course. Thanks, again!

[Quoted text hidden]

---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov> Tue, Jun 20, 2023 at 11:05 AM  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

My apologies, but Adam and I were unable to meet last week. It looks like I can get on his schedule today or tomorrow, so I should have an update for you soon. I can give you statistics for each part of your request, but actual copies of the correspondence have proven difficult to extract from our new system. I have a few workaround options on which I should

brief Adam before I run them by you. I am reasonably confident that we can agree on something that will get you the information you want in a useful format. I just don't think we'll be able to produce something standard like a sent emails with attachments. Thanks so much for your patience.

Mary

---

**From:** Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
**Sent:** Tuesday, June 13, 2023 11:58 AM

[Quoted text hidden]

[Quoted text hidden]

---

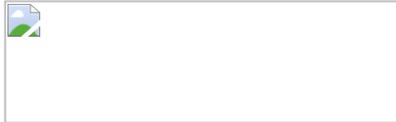
**Victoria Baranetsky** <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
To: "Carney, Mary E. (ATF)" <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>  
Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassylvick.com](mailto:mfenzel@jassylvick.com)>

Tue, Jun 20, 2023 at 11:40 AM

Thank you for the update. Can you please check in after your conversation with Adam today or tomorrow and provide an ETA?

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>  
To: Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassylvick.com](mailto:mfenzel@jassylvick.com)>

Tue, Jun 20, 2023 at 11:42 AM

Yes, I will do that.

[Quoted text hidden]

---

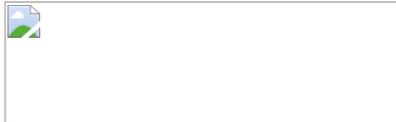
**Victoria Baranetsky** <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
To: "Carney, Mary E. (ATF)" <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>  
Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassylvick.com](mailto:mfenzel@jassylvick.com)>

Tue, Jun 20, 2023 at 11:43 AM

Thank you very much. Appreciate it.

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>  
To: Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassylvick.com](mailto:mfenzel@jassylvick.com)>

Wed, Jun 21, 2023 at 1:15 PM

Hi Victoria,

I was able to brief Adam this morning. I wanted him to know about the issue with our system before I started discussing options with you. Apologies in advance for the length of this email, but I want to be precise about what we can and cannot provide at this time because I assume you may want to use the requested information in future Tiahrt litigation. I'm happy to walk you through this over the phone if that would be easier. I needed to walk myself through it by writing it out, so I'm providing the result of that effort to you.

The basic issue is that our new FOIA management system is not capable of producing "official" copies of correspondence. We're working with the contractor to add a feature that should remedy the situation. In the meantime, I have the information you requested – just not in the format in which we normally provide such information. This issue impacts the last part of your request in particular: "Any FOIA responses from the agency that cite Ctr. for Investigative . . . and/or Everytown . . ." I read the rest of the request as more of a request for information gleaned from records than for the records themselves. Of course, FOIA does not require agencies to answer questions, but it seemed to me that all you really want are the statistics and it's easier and much quicker for me to extract and tally the information than to provide copies of all relevant correspondence...as you will see below. My preference would be to start with the chart discussed in #1 below. After you review it, you may have all that you need. If not, we can discuss the other options below for copies of whichever category of correspondence you need.

Attached are a number of screenshots of what we can get from our FOIA management system right now. I used the acknowledgment letter\* for this request as an example. Each screenshot is described in detail below, but I think you will be able to see at a glance whether any contain the information you want. Please look over this information and let me know what, if any, option or combination of options would provide all the information that you want to get in response to this request. If this isn't urgent, we can wait to see if the contractor implements a solution, but I can't say how long that might take.

1. Statistics: rather than provide "copies of any FOIA responses from the agency that cite" CIR and/or Everytown, as requested, I can provide statistics re: FOIA responses cited CIR and/or Everytown in the designated period. This is what I plan to do for the rest of the request, assuming that is acceptable to you. I created a chart with all relevant/responsive information about each request. If you want to use the information in future Tiahrt litigation, I'm sure we can stipulate that CIR/Everytown paragraph is the same in each letter. I know we have slightly modified the template in one or two cases because the request was unusual in some way, but the CIR/Everytown paragraph is always the same. I will, of course, check every letter and will provide copies (screenshots or cut/paste recreations) if I discover that there is an exception to this rule.
2. 2023-00840 Correspondence tab.pdf: this is a screenshot of the correspondence tab for this request. Each request has an electronic file in our system and each file includes tabs for correspondence and other information. This screen shows that an acknowledgment letter was sent and when it was sent. I can take screenshots like this for every request file that includes a letter that is responsive to your request, but the content of the letters is not included.
3. Correspondence collection screenshot (2023-00840).pdf: our system has a collection of all correspondence – this is a screenshot of what I get when I search that collection for the 2023-00840 acknowledgment letter. It provides the same info as #2, plus partial letter content. I can search the collection for response letters that cite CIR and/or Everytown and provide a copy of this screen for each. I already did the search to compile stats for the other parts of your request (I believe there are more than 70 responsive letters).
4. 2023-00840 Correspondence info (one screen only).pdf: this is a screenshot of what I get when I click on "Acknowledgment of your FOIA request" in the screen shown in #3. In the system, we can scroll down to see the full content of the letter but there doesn't appear to be a way to print the full content. This screen provides evidence of date/time sent, to and from whom it was sent, and the beginning of the actual correspondence. We use a template for these responses, so the vast majority are identical after the first paragraph. In most if not all cases, the first paragraph only differs where it summarizes the original request. Besides not getting the full content, the disadvantage of this screenshot is that we have to redact PII, but that wouldn't take very long. I also included a screenshot marked for redaction so you can see the type of information we would withhold from the screenshots (2023-00840 Correspondence info (one screen only) with redax.pdf).
5. 2023-00840 Correspondence info - full content.pdf: the first page is the same as #4; the other pages are screenshots taken after scrolling down through the full content of the letter. The downsides are that it is difficult to read as a single document, there is some overlap on each page, and will take a lot more time to produce (3-4 screenshots per letter produced will take 3-4 times longer than #2, #3, or #4). This will also require redactions (2023-00840 Correspondence info - full content with redax.pdf).
6. Cut/paste version of letters (Acknowledgment letter content.pdf - version with redax also attached, Acknowledgment letter content with redax.pdf): for this, I clicked on "Acknowledgment of your FOIA request" in screenshot #2 and copied the content of the letter from a popup window that we are unable to print in full (we can do screenshots but I think the full content screenshots described in #5 come out better). I pasted it in a Word

document and converted it to pdf. This is what the response would look like if all responsive records were in our old system (sample from old system also attached, [2021-1078 Final Response – Sept 30 2021.pdf](#)). The difference is that there would be human involvement in the production as opposed to simply extracting the pdfs from the old system. You would get the full content of each response, but I want to be transparent about how it would be produced. I can get this done myself and will happily put in writing that they are true and correct copies of the correspondence saved in our FOIA management system.

7. If there is some combination of these options that you would prefer, I'm happy to do it.

\*Acknowledgment letter: I now see that when this request was entered into our system, it defaulted to Amanda Pike as requester because she was the first CIR/REVEAL requester added to our system. The ack letter auto populates with the requester info so the letter was incorrectly addressed. Did you ever get this letter? I apologize for the error and can resend a properly addressed version of the acknowledgment if you did not get the original. As must be obvious by now, we're still working out the kinks in the new system more than a year after it went live.

Please let me know if you have any questions and/or if you agree that one or more of these options will satisfy your request.

Thanks,

[Quoted text hidden]

---

#### 9 attachments

-  **2023-00840 Correspondence tab.pdf**  
392K
-  **Correspondence collection screenshot (2023-00840).pdf**  
118K
-  **2023-00840 Correspondence info (one screen only).pdf**  
122K
-  **2023-00840 Correspondence info (one screen only) with redax.pdf**  
101K
-  **2023-00840 Correspondence info - full content.pdf**  
269K
-  **2023-00840 Correspondence info - full content with redax.pdf**  
275K
-  **Acknowledgment letter content.pdf**  
54K
-  **Acknowledgment letter content with redax.pdf**  
58K
-  **2021-1078 Final Response - Sept 30 2021.pdf**  
120K

---

**Victoria Baranetsky** <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>  
To: "Carney, Mary E. (ATF)" <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>  
Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassyvick.com](mailto:mfenzel@jassyvick.com)>

Wed, Jun 21, 2023 at 1:46 PM

Hi Mary,

Thanks for getting back to me the statistics are fine. I have one question and some clarifications below. First, how long do you think it would take to produce these statistics? Second, I'd like to make sure that it includes the following:

- 1) the name of the requester
- 2) the content of the request

- 3) the denial language from the agency, as used in the denial letter; and
- 4) a screenshot copy, if possible of the various denial versions.

If you cannot produce #4, I'm happy 1-3.

Thank you,  
Victoria

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Wed, Jun 21, 2023 at 4:17 PM

Victoria,

Thank you for the quick response! To address your list of required information, I need to add information (contents of request and denial language) to my working chart. Our standard practice is to redact requester names, but we release requester organization names, where applicable. I can add a column for requester organization names.

One clarification question for you: do you want all this information for “[a]ny FOIA responses from the agency that cite Ctr. for Investigative Reporting . . . and/or Everytown for Gun Safety” or do you want it for all FOIA responses wherein “the ATF has denied records containing statistical aggregate data”? While there is overlap, those are two different sets of documents. If memory serves, there are close to 80 FOIA responses that cite CIR and/or Everytown and fewer than 20 responses denying requests for statistical aggregate trace data. Either is fine – I just don’t want to waste time adding information for 80 denials if you are only interested in a subset.

My working chart includes the following columns:

- Request ID number
- Date of request
- Jurisdiction – see part 2 of your request
- Whether the response letter cited Everytown (Y/N) – see part 3 of your request
- Whether the response letter cited CIR (Y/N) – see part 5 of your request

I can/will add the following columns:

- Requester organization
- Content of the request
- Denial language used in the denial letter

For part 4 of your request, I’m pretty sure the only trace data ATF has released pursuant to FOIA is that which we provided to you after the 9<sup>th</sup> Circuit decision, but I will confirm that.

I can/will also provide screenshots of a standard denial letter and any responsive denial letters that differ from that template.

Can you give me two weeks to add that information to the chart? I hope to finish sooner. As soon as I do, I will get it into the queue for final clearance. When I get approval, I will send it out immediately. If you review that information and think you need something more, just let me know and we'll figure it out.

[Quoted text hidden]

---

**Victoria Baranetsky** <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)>

Thu, Jun 22, 2023 at 9:26 AM

To: "Carney, Mary E. (ATF)" <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)>

Cc: Dara Gray <[dgray@revealnews.org](mailto:dgray@revealnews.org)>, Meghan Fenzel <[mfenzel@jassyvick.com](mailto:mfenzel@jassyvick.com)>

Hi Mary,

My answers are in all caps below.

Thanks,  
Victoria

On Wed, Jun 21, 2023 at 4:17 PM Carney, Mary E. (ATF) <[Mary.Carney@atf.gov](mailto:Mary.Carney@atf.gov)> wrote:

Victoria,

Thank you for the quick response! To address your list of required information, I need to add information (contents of request and denial language) to my working chart. Our standard practice is to redact requester names, but we release requester organization names, where applicable. I can add a column for requester organization names.

WE WOULD PREFER TO HAVE THE NAMES ALSO AND THEY ARE PUBLIC UNDER FOIA.

One clarification question for you: do you want all this information for "[a]ny FOIA responses from the agency that cite Ctr. for Investigative Reporting . . . and/or Everytown for Gun Safety" or do you want it for all FOIA responses wherein "the ATF has denied records containing statistical aggregate data"? While there is overlap, those are two different sets of documents. If memory serves, there are close to 80 FOIA responses that cite CIR and/or Everytown and fewer than 20 responses denying requests for statistical aggregate trace data. Either is fine – I just don't want to waste time adding information for 80 denials if you are only interested in a subset.

WE WOULD LIKE BOTH THE INFORMATION FOR CASES THAT CITE THE CIR CASE AND ALL FOIA RESPONSES DENYING RECORDS FOR STATISTICAL AGGREGATE DATA BUT I WOULD LIKE THE AGENCY TO STATE HOW MANY THERE ARE OF EACH. I.e TO DISAGGREGATE THE NUMBERS SO WE KNOW HOW MANY DENIED IN GENERAL AND OF THOSE HOW MANY CITE CIR

My working chart includes the following columns:

- Request ID number
- Date of request
- Jurisdiction – see part 2 of your request
- Whether the response letter cited Everytown (Y/N) – see part 3 of your request
- Whether the response letter cited CIR (Y/N) – see part 5 of your request

I can/will add the following columns:

- Requester organization
- Content of the request
- Denial language used in the denial letter

THANK YOU, WITH THOSE THREE BULLETS ADDED I BELIEVE THIS IS COMPLETE

For part 4 of your request, I'm pretty sure the only trace data ATF has released pursuant to FOIA is that which we provided to you after the 9<sup>th</sup> Circuit decision, but I will confirm that.

THANKS PLEASE CONFIRM.

I can/will also provide screenshots of a standard denial letter and any responsive denial letters that differ from that template.

THANK YOU.

Can you give me two weeks to add that information to the chart? I hope to finish sooner. As soon as I do, I will get it into the queue for final clearance. When I get approval, I will send it out immediately. If you review that information and think you need something more, just let me know and we'll figure it out.

YES, BUT PLEASE HAVE THIS DATA TO US BY THE SECOND WEEK OF JULY.

Thanks,

Mary

THANK YOU,

Victoria

[Quoted text hidden]

--

null

---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Thu, Jun 22, 2023 at 9:47 AM

Thanks, Victoria. I will check with Adam re: names. I recognize your point, but the office developed an abundance of caution approach to requester names and I don't know if there is anything backing that up. Most FOIA log requesters don't care who the other requesters are (not by name, anyway), so there's generally no complaints that we take a cautious approach.

I will provide information for all trace denials issued in the relevant period. Because I am adding the request language to the chart, you are as well positioned as I am to determine which requests are for statistical aggregate data. However, I already made that determination for my own purposes, so I will ask Adam if he is ok with me including that work product on the chart I'm creating for you. If so, I will add a column called "Aggregate" populated with Y or N.

I will confirm that no aggregate trace data was released pursuant to FOIA (other than to you).

I will complete the chart as soon as I can and advise Adam that you would like our response in early July. I can't guarantee you will get it by then, but I will do what I can. I appreciate your prompt responses and willingness to work with me to get you the information you need.

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Thu, Jun 22, 2023 at 10:37 AM

Sounds good, thank you very much. And I also appreciate your work and diligence on this matter. Thanks for your time. Please let me know if you need anything else that I can provide to assist you. I'll check in next week to understand better what the ETA is.

With care,  
Vickie

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Thu, Jun 22, 2023 at 11:00 AM

Perfect, thanks!

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Tue, Jun 27, 2023 at 10:15 AM

Hi Mary,

Awaiting your email. Curious when your ETA is with regard to this data request. If possible to see in the next week that would be great.

Vickie

[Quoted text hidden]

[Quoted text hidden]



---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Tue, Jun 27, 2023 at 11:18 AM

Hi Vickie,

My working chart did not include columns for requester name, request content, and denial language from the response letter, so I'm in the process of adding that information for each request. To do so, I have to pull up each request in our system and open the final response letter and sometimes the request letter. That is taking longer than I expected but I think I've done about half. I can't guarantee it will be finished and cleared for release next week, but I will do my best.

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Tue, Jun 27, 2023 at 12:59 PM

Ok, thanks for the update. Can we check in at the end of the week? If we can receive this data on a rolling basis that would also work.

Victoria

[Quoted text hidden]

--

null

---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>

Tue, Jun 27, 2023 at 1:02 PM

Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

I'll send you an update on Friday. Thank you!

[Quoted text hidden]

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Tue, Jun 27, 2023 at 1:29 PM

Ok, thanks.

[Quoted text hidden]

--

null

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Fri, Jun 30, 2023 at 12:50 PM

I am pleased to tell you that I managed to complete the chart and the screenshots of each variation on the basic response template. I submitted it for review and asked that it be made a priority. Many people will be out of the office due to the holiday, so I really can't guarantee that I'll get approval to produce the materials next week, but I'll do my best.

Have a great weekend and a happy Fourth of July!

[Quoted text hidden]

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Fri, Jun 30, 2023 at 3:18 PM

Thank you. Have a great weekend too!

[Quoted text hidden]

--

null

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassyvick.com>

Fri, Jul 7, 2023 at 3:49 PM

Hi Mary.

Hope you had a nice holiday. Just checking in when you might have an ETA on these records?

Victoria

[Quoted text hidden]

[Quoted text hidden]



**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
To: Victoria Baranetsky <vbaranetsky@revealnews.org>

Sun, Jul 9, 2023 at 6:11 PM

I'm so sorry - I meant to contact you on Friday. I expect to be able to send you the records by the end of this week, but I'm hopeful it will happen midweek.

On Jul 7, 2023, at 6:51 PM, Victoria Baranetsky <[vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)> wrote:

[Quoted text hidden]

<https://www.atf.gov/resource-center/freedom-information-act-foia>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

--

[Quoted text hidden]

[Redacted]

--

Victoria D. Baranetsky

General Counsel

**(w)** 510-982-2890

**(c)** 201-306-4831

**PGP** EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5

|

<image001.jpg>

--

null

--

Victoria D. Baranetsky

General Counsel

**(w)** 510-982-2890

**(c)** 201-306-4831

**PGP** EA48 1FB7 98E3 156E 3AFF 6748 F7B1 8B23 0838 D7F5

|

<image001.jpg>

[Quoted text hidden]

[Quoted text hidden]

--  
 null  
 [Quoted text hidden]  
 [Quoted text hidden]  
 [Quoted text hidden]  
 --  
 null  
 [Quoted text hidden]  
 [Quoted text hidden]  
 --  
 null  
 --  
 null  
 --  
 null  
 [Quoted text hidden]

---

**image001.jpg**  
 1K

---

**Carney, Mary E. (ATF)** <Mary.Carney@atf.gov>  
 To: Victoria Baranetsky <vbaranetsky@revealnews.org>  
 Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassylvick.com>

Fri, Jul 14, 2023 at 3:30 PM

Victoria,

I had hoped to get the records to you today, but it looks like I'm not going to get the one last approval I needed. I will push to clear that hurdle on Monday. I apologize for the additional delay.

I hope you have a nice weekend.

[Quoted text hidden]

---

**Victoria Baranetsky** <vbaranetsky@revealnews.org>  
 To: "Carney, Mary E. (ATF)" <Mary.Carney@atf.gov>  
 Cc: Dara Gray <dgray@revealnews.org>, Meghan Fenzel <mfenzel@jassylvick.com>

Fri, Jul 14, 2023 at 3:30 PM

Ok, thanks for the update. I hope to hear from you on Monday and will be checking my inbox.

[Quoted text hidden]

--  
 null

## Response to 2023-00840 (CIR)

Request ID	Response Date	Requester Org.	Juris.	Request Content	Denial Language
2023-00929	20230414	(b) (6) - Individual	CO	I am requesting a copy of any and all original paper 4473's with my name, (b) (6). Ranging from August 2021 through October 2022. The ATF form 4473's are located at The Shootist Gun Range 2980 s Galapagos Englewood, co 80110.	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00472	20230412	(b) (6), Kaur Law PC	CA	USCIS referral: criminal complaint including information pulled from FTS	<p>Within the responsive document, there is information that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be</p>

					<p>withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the responsive records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2023-00905</p>	<p>20230411</p>	<p>(b) (6) - Individual</p>	<p>WI</p>	<p>Copies of any and all forms 4473 signed by me on or after June 7, 2008 at Cabella's in Richfield, Wisconsin.</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>

					On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i> , 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i> , 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.
2023-00726	20230306	(b) (6) - Individual	CA	This request is a follow-up to request 2023-00651. Your response to my previous request was that you were not able to locate any responsive records subject to the FOIA. That said, I spoke with (b) (6) the owner of Hudson Mfg, who stated to me that the records I'm looking for were in fact handed over to the ATF when he closed his business. That tells me that the records are either not subject to FOIA (if so, under what section are they exempt from disclosure?), or they are there with the ATF and someone just didn't look in the right place. Please re-examine your records to see where they are stored.	<p>Out of business records constitute information ATF is required to maintain pursuant to the Gun Control Act (GCA). This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00596	20230404	(b) (6) - Chicago Tonight, WTTW	IL	I request that a copy of documents containing the following information be provided to me: all raw data files and fields related to the recent report released by the ATF on ghost guns and conversion devices that make a semiautomatic weapon fire like a machine gun.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a</p>

					<p>law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00842	20230330	(b) (6) – Philadelphia Magazine	PA	FBI referral: any and all records related to (b) (6)	<p>The referred document contains material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>

2023-00852	20230403	(b) (6) Individual	ISL	<p>disclosure of how many 30 caliber bullets that have been exported to Iceland, Europe</p> <p>The time frame would be between 1985 to present day, the quantity and which U.S. company exported those bullets to Iceland.</p> <p>Also if possible the serial number of the weapon if any that was listed on the export license and which company here in Iceland that it was sold to.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00652	20230403	(b) (6) Individual	ITA	<p>All records concerning data about firearm purchases that were used in murders or suicides from fiscal year 1990 to fiscal year 2022.</p> <p>All records concerning data about firearm purchases that were used in mass shootings from fiscal year 1990 to fiscal year 2022.</p>	<p>Information regarding firearm purchases is contained in completed ATF Forms 4473 which are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business or the firearm is used in a crime. Both out of business records and records contained in ATF's Firearms Trace System are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included</p>

					<p>a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00736	20230403	(b) (6) – Everytown	NY	<p>1) The full spreadsheet from which the data was drawn for the 2023 ATF Report to create Table CCG-09: Top Five Manufacturers of Traced Pistols, 2017 – 2021, Table CCG-10: Top Five Manufacturers of Traced Rifles, 2017 – 2021, Table CCG-11: Top Five Manufacturers of Traced Revolvers, 2017 – 2021, and Table CCG-12: Top Five Manufacturers of Traced Shotguns, 2017 – 2021. For the avoidance of doubt, the requested records include manufacturers who fell outside the top five.</p> <p>2) Spreadsheets similar to Request #1 that rank manufacturers of traced pistols, traced rifles, traced revolvers, or traced shotguns, and that are specific to a particular year and/or specific to a particular state or city.</p>	<p>The information you requested is material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. While ATF is authorized to specifically publish aggregate data, such as that found in the NFCTA, the information is otherwise prohibited from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
2023-00866	20230331	(b) (6) – Individual	WV	I need to request my ATF 4473 information and any other information with my name.	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the</p>

					<p>public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00744	20230330	(b) (6) - Western Correspondent	CA	ATF Trace Indicator Code List	<p>You requested material contained in ATF's Firearms Trace System (FTS) database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>You included with your request an example of an ATF Trace Indicator Code List. Prior to 2005, ATF provided a FTS FOIA disk to the public as the appropriation restriction in place at that time permitted the disclosure of FTS data "the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. § 552 prior to the date of the enactment of this Act." In addition, and around this same time-period, some FTS data categories were provided in civil litigations. Among the FTS data categories publicly released at that time was the ATF Trace Indicator Code List.</p> <p>As you are aware, in 2005, Congress amended the restriction and included the language that no funds "may be used to disclose part or all the contents of the FTS database maintained by the National Tracing Center." The information you are requesting, specifically the ATF Trace Indicator Code list, is contained in the FTS database. The information you requested are created in and solely reside in the FTS database. Therefore, because the restriction requires withholding the</p>

					<p>contents of the FTS database, we are required to withhold the records you requested in full pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3).</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00779	20230320	(b) (6) – Individual	MA	<p>Records of the total quantity and model number of firearms imported from Switzerland by John Doe Investigations of Frisco, TX dba JDI Firearms.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some ORAll] of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00775	20230320	(b) (6) – Baltimore Sun	MD	<p>I would like to received the following data from 2017-present: (1) the number of crime guns retrieved from Anne Arundel County, Maryland and traced by ATF; (2) the year-to-year percentage of crime guns retrieved from Anne Arundel County, Maryland that were traced to a purchaser; (3) the types of crime guns retrieved in Anne Arundel County, Maryland; (4) the number of crime guns retrieved in Anne Arundel County, Maryland that came from another state; (5) the</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p>

				<p>percentage of crime guns retrieved in Anne Arundel County, Maryland that came from another state; (6) a state-by-state breakdown with the number of crime guns retrieved in Anne Arundel County, Maryland that came from another state; and (7) percentage of traced crime guns retrieved in Anne Arundel County, Maryland by purchaser and possessor relationship (i.e. times the possessor was the purchaser).</p>	<p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2023-00605</p>	<p>20230316</p>	<p>(b) (6) - Alaska Casualty Assistance Center</p>	<p>AK</p>	<p>DoD referral - a copy of the Criminal Investigation Division (CID) report for the Soldier listed below: (b) (6) [request summary]</p>	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records fall within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of</i></p>

<p>2023-00740</p>	<p>20230313</p>	<p>(b) (6) - Individual</p>	<p>VA</p>	<p>DoD referral - a copy of the Criminal Investigation Division (CID) report for the Soldier listed below:                  (b) (6)                  [request summary]</p>	<p>Justice, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p> <p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
<p>2023-00108</p>	<p>20230203</p>	<p>(b) (6) - Lakota Software Solutions, Inc.</p>	<p>WV</p>	<p>Formally requesting a list of all Federal Firearm Licensee (FFL) that holds a Special Occupational Taxpayer (SOT) Class 1, 2, and/or 3. The information should include name, mailing address, email address, phone number, FFL number, expiration dates of the FFL license, expiration dates of the SOT license for every FFL with an SOT.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p>

					<p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00649	20230227	(b) (6) - Individual	NV	DoD referral – information regarding the death of (b) (6)	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. The information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2022-00582	20230223	(b) (6) - Individual	GA	The ATF records for gun sale of 1 M-LORCIN .380 Caliber Pistol, (b) (6) with which (b) (6) (b) (6) took his own life, January 17, 2020	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

					<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00664	20230222	(b) (6) – Gun Facts	NC	individual records of all trace requests made during calendar year 2019	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those</p>

					<p>restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00660	20230221	(b) (6) - Individual	GA	<p>I am requesting an opportunity to inspect or obtain copies of public records that contain firearms reported lost and stolen in Georgia from July 2022 to December 2022.</p>	<p>The information you requested is material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00217	20230215	(b) (6) - PwP Publishing and Recording	NC	<p>I am requesting information on the annual sales of firearm sales in the United States from 2008 to 2021.</p>	<p>Please be advised that, since 1979, Federal law prohibits ATF from expending funds to maintain a national registry of firearms, which includes lists of purchasers and the firearms purchased by private individuals. Because ATF does not maintain a database of firearms purchasers or firearm-transaction information other than those associated with a law enforcement investigation, we are unable to provide the information requested. Firearms Transaction Records, ATF Form 4473, are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

					<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain Gun Control Act (GCA) related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
2023-00618	20230217	(b) (6) - Individual	NC	The number of 4473 records 20 years or older still being maintained.	<p>The information you are requesting is maintained on the ATF Form 4473. Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as the FFL going out of business. You stated the dealer where the handgun was purchased is closed. You have requested out of business records, which ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
2023-00549	20230210	(b) (6) - Individual	CA	DoD referral – investigative file re: (b) (6) (b) (6) [request summary]	<p>The referred documents contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

					<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure. See <i>Id.</i> at 932-933.</p>
2023-00547	20230210	(b) (6) - Individual	CA	<p>DoD referral – investigative file re: (b) (6) (b) (6) [request summary]</p>	<p>The referred documents contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure. See <i>Id.</i> at 932-933.</p>

<p>2023-00566</p>	<p>20230209</p>	<p>(b) (6) - 9 News</p>	<p>?</p>	<p>Please send me each Federal Firearms Licensee Theft/Loss Report (ATF Form 3310.11) when guns were reported lost by Federal Firearms Licensees in Colorado reported to ATF from 01/01/2017 to 12/31/2022.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
<p>2023-00607</p>	<p>20230208</p>	<p>(b) (6) - Voice of San Diego</p>	<p>CA</p>	<p>Each and every Form 4473 submitted to your agency by the San Diego County Deputy Sheriff's Association store between Jan. 1, 2018, and present. It's my understanding the Form 4473 is required to be submitted to ATF by federal law and intended for the purposes of documenting every individual proposal to purchase a firearm from a Federal Firearms License Holder. The location of the San Diego County Deputy Sheriff's Association may have changed during the time period I am requesting records, but the current address is 13881 Danielson Street, Poway, CA 92064.</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p>

					<p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00580	20230201	(b) (6) – Feiereisel Kasbohm & Wayne, LLC	IL	<p>1) Date when (b) (6) purchased Smith and Wesson 9 mm handgun serial (b) (6)</p> <p>2) Dates when any other purchasers purchased Smith and Wesson 9 mm handgun serial (b) (6) and</p> <p>3) Names of purchasers other than (b) (6) (b) (6) for Smith and Wesson 9 mm handgun serial (b) (6)</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some OR all of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00229	20230201	(b) (6) – Global Action on	DC	Aggregate information relating to certain firearms recovered, lost or stolen in Canada, and aggregate information of Smith & Wesson recovered firearms.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552. However, if you want general statistics on firearms recovered in Canada, please visit out</p>

		<p>Gun Violence</p>			<p>website at <a href="http://www.atf.gov/resource-center/firearms-trace-data-canada-2016-2021">www.atf.gov/resource-center/firearms-trace-data-canada-2016-2021</a>.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or all of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2023-00539</p>	<p>20230126</p>	<p>(b) (6) - 9 News</p>	<p>CO</p>	<p>Please send me the notifications sent from a business licensed under Colorado's State Federal Firearms Listings program to the ATF alerting them of a gun store theft from 01/01/2020 to 01/01/2023. Please make sure to include the name of the store, address and number of guns stolen.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the</p>

					<p>Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00419	20230110	(b) (6) – Stanford	CA	<p>I would like the gender, race/ethnic, nationality, and gang affiliation breakdown (i.e. % male-female, % white-latino-black, %American-Mexican-Japanese-etc, % gang-affiliated [ideal if broken down by gang]), by state, of gun owners and last known owners of crime guns. No personally identifying information is necessary, and I am open to modifications to the request if confidentiality issues come up. I am putting together an analytical model of firearm trafficking and the demographics of market participants would be helpful in order to make it as accurate as possible.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00337	20230105	(b) (6) - Individual	FL	<p>DoD referral – investigative file re: (b) (6)</p>	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be</p>

					<p>withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2023-00280	20230105	(b) (6) - Individual	NJ	DoD referral – a copy of the AR 15-6 Investigation Report: (b) (6)	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result</p>

					<p>on trace data in Center for Investigative Reporting v. U.S. Department of Justice, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00413	20230103	(b) (6) - Inmate	PA	Ballistic and firearms information concerning DC Number 201235058068	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See Everytown for Gun Safety Support Fund v. ATF, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in Center for Investigative Reporting v. U.S. Department of Justice, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00359	20221219	(b) (6) - Individual	FL	<p>A copy of the form 4473 for a firearm purchased from Gander Mountain: 3970SW 3rd ST, Ocala FL 34474 a business which has gone out of business. The gun info is as follows:  Manufacture - Bonds Arms; Model - Snake Slayer;  Serial # - (b) (6) Purchase 05/2013; My address when Purchased - (b) (6) . My info is (b) (6) , DOB, (b) (6)</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included</p>

					<p>a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00346	20221216	(b) (6) - Exoneration Project	IL	<p>I am requesting the gun tracing report or similar for the gun with serial number (b) (6) that was recovered on 04/01/2004, in Chicago, IL and lead to a criminal case in Cook County under the case number 04 CR 0937301. The gun was traced to a murder under the Cook County IL criminal case number 03 CR 2370902.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>

<p>2023-00331</p>	<p>20221213</p>	<p>(b) (6) - Inmate</p>	<p>IL</p>	<p>DOJ referral – information about the following firearms: Mi71 Rossi .357, Serial (b) (6); P90 Ruger .45, Serial (b) (6); Derringer .357, Serial (b) (6)</p> <p>[request summary]</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some OR All] of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2023-00303</p>	<p>20221212</p>	<p>(b) (6) - Individual</p>	<p>AZ</p>	<p>I am requesting all information, documents and records the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) has filed, collected, obtained, or otherwise stored about me (b) (6) including, but not limited to, form 4473s, form 4s, form 1s, background check information and any accompanying documents or records. I am additionally requesting any information, documents or records the BATFE has that are not related to official forms, such as what firearms, NFA items, or other items I may possess, according to the BATFE. If the BATFE determines any information, documents or records are unable to be provided to me, I would like a description of what those are and why they cannot be provided, within the limits of the law.</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p>

					<p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00249	20221208	(b) (6) – Arizona Center for Investigative Reporting	AZ	I'm requesting an aggregate by year of "Firearms Tracing System" data in Arizona broken down submitting agency from 2011 to 2021. I am request it in the aggregate due to the limitations established by Tiaht Amendment.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. SOME or ALL of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2023-00239	20221128	(b) (6) – Individual	IL	I would like to request the Serial number for my 380 sliver and purple gun that I purchased around 5/26/2000. My home was broken into and it was in my	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

				<p>safe My name is (b) (6) (b) (6)</p>	<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
<p>2022-00924</p>	<p>20221021</p>	<p>(b) (6) Individual</p>	<p>CO</p>	<p>I, (b) (6), social security number (b) (6), residing at (b) (6), hereby request, pursuant to the Freedom of Information Act, that you provide me with all information and copies of all documents related to the firearm(s) specified below, that is, on information and belief, a machinegun (as defined by 26 U.S.C. § 5845(b) registered in the National Firearms Registration and Transfer Record:</p> <p>Thompson Machine Gun .45 Caliber Model 28AC Serial Number (b) (6)</p> <p>I am seeking a copy of all information currently in the possession of your agency with regards to the above-described gun, including the Weapon History Report as found on the ATF computer system. This computerized report should be readily available and include a History Detail of the above referenced firearm.</p> <p>I also understand that certain personal information on records relating to the National Firearms Registration and Transfer Record are exempt from disclosure under FOIA. To the extent possible, please provide me with</p>	<p>You requested material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies either one of its disjunctive requirements.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some or All] of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>

				copies of such records redacted to remove the exempt information.	
2023-00038	20221018	(b) (6) - HBO	NY	I am a member of the media requesting the opportunity to inspect or obtain copies of the 4473 form for the gun sale made to (b) (6). We are specifically interested in obtaining page 1 to learn the specific manufacturer and model of the AR-15 rifle that (b) (6) purchased and allegedly used in the Highland Park July 4 parade mass shooting.	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2022-00796	20220930	(b) (6) - Hodgson Russ LLP	NY	All records related to Roy Kelly and/or Roy Kelly doing business as Kellys Guns and Ammo (FFL: 6-14-115-01-9G-1301)  [request summary]	<p>We are withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a</p>

					<p>law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01468	20220930	(b) (6) - Individual	FL	<p>DoD referral - a copy of the Navy Criminal Investigative Service (NCIS) report for (b) (6) (deceased)</p> <p>[request summary]</p>	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>

2022-01469	20220930	(b) (6) - Individual	OH	<p>DoD referral - a copy of the Navy Criminal Investigative Service (NCIS) report for (b) (6) (deceased)</p> <p>[request summary]</p>	<p>The referred document(s) contain material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some or All] of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00403	20220929	(b) (6) - The Trace	NY	<p>I am requesting FFL inspection reports associated with the following store:</p> <ul style="list-style-type: none"> <li>● Bradis, Inc. (FFL# 4-35-37322) on 5/13/09 in which an alternate recommendation of Warning Conference in lieu of Revocation was made.</li> </ul>	<p>We are withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p>

					<p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00647	20220929	(b) (6) – Law Offices of A. Craig Eiland, P.C.	TX	<p>FBI referral – information regarding firearms seized at Mandalay Bay (mass shooting)</p> <p>[request summary]</p>	<p>We are withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00808	20220928	(b) (6) – Daily & Woods, PLLC	AK	<p>Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we hereby request all records relative to:</p> <p>Federal Armament LLC 5730 N. 6th Street</p>	<p>We are withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements</p>

				<p>Fort Smith, AR 72904                  EIN: 35-2505472</p> <p>Specifically, we are seeking records relative to any investigation or review of the above entity</p>	<p>are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
<p>2022-00864</p>	<p>20220928</p>	<p>(b) (6)                  [REDACTED]                  -                  Whitehead                  Law</p>	<p>DC</p>	<p>EOUSA referral – records related to (b) (6)                  [request summary]</p>	<p>We are withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>

					<p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00356	20220927	(b) (6) – Individual	TX	<p>The documents in relation to the Forfeited license for David A Dickson, 311 Skyline Drive, Trophy Club, Texas 76262, File Number 0801327860.</p> <p>Mr Dickson was a Director of Advanced Gunworks Premier Shooting Club, Inc, 620 Henrietta Creek Road, Ste. 100, Roanoke, Texas 76262-6369.</p> <p>The License was filed on October 7, 2010 and the Forfeiture occurred sometime in 2015 prior to July 2015.</p> <p>The License was no longer listed in the ATF as of June 2015, It was listed in January of 2015 according to the research I did. The number in the listing is 09867.</p>	<p>We are also withholding material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. section 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01430	20220926	(b) (6) – Individual	FL	<p>I'm requesting a copy of the 4473 for a gun I purchased from a business that is no longer in business. The gun I purchased was a Bond Arms Snake Slayer with the Serial Number of (b) (6) It was purchased from Gander Mountain located in Ocala Florida in May of 2013.</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold</p>

					<p>the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00502	20220926	(b) (6) – Individual	AK	<p>I am the current legal registered owner of a Reising Model 50, Serial # (b) (6). I am interested in learning more about the history of this firearm.</p> <p>I am seeking a history of related records to this firearm (such as transfer, ownership, etc. or other related records that may be available).</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00921	20220926	(b) (6) – Individual	CA	<p>I sent a form 4473 to the ATF in the late summer of 2021. It was done by me personally, facilitating the transfer of 6 pistols and 2 rifles. These were not class A weapons. This form was filled by mistake. In any case, This was a transfer between (b) (6) (owner)</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

				<p>and (b) (6) (receiver). I am requesting the documents, or copies, that I sent in and any supporting material I may have sent with it (FD258 or others). Please send any other material that was submitted regarding the transfer of these weapons in the later half of 2021. I need proof that the ATF received these documents, any internal documents that show proof that my documents were received and when would be very helpful.</p>	<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2022-01434</p>	<p>20220925</p>	<p>(b) (6) – Univ. of Wyoming</p>	<p>WY</p>	<p>I am requesting information about firearms recovered within the State of Maryland for the period 8/1/2019 to 7/31/2021. Specifically, the country, state, or city of origin and the location in the State of Maryland where the firearm was recovered. In addition, for firearms that originated within the State of Maryland, the jurisdiction of origin, the location where the firearm was recovered, and the FFL who sold or transferred the firearm. Finally, for all firearms recovered within the State of Maryland, the purchase or transfer date and the date of recovery.</p> <p>If some, or all, of these data are not available. I would like to request the same data ATF publishes here, <a href="https://www.atf.gov/resource-center/firearms-trace-data-maryland-2020">https://www.atf.gov/resource-center/firearms-trace-data-maryland-2020</a>, for the time period specified above.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution (ATF is also permitted to publish aggregate data; you can find the most recent data for Maryland here: <a href="https://www.atf.gov/resource-center/firearms-trace-data-maryland-2021">https://www.atf.gov/resource-center/firearms-trace-data-maryland-2021</a>). Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the</p>

					<p>Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2021-0542 288281	20220925	(b) (6) - Covington	CA	<p>Data related to traced firearms that were initially sold (in retail) in the United States and then recovered in the countries listed in Appendix A</p> <p>[request summary]</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2021-0188 285676	20220925	(b) (6) - The Trace	IL	<p>I am requesting statistical aggregate data on firearms traced to Craig G. Bricco, dba 1st Class Firearms ("1st Class"), a federal firearms licensee located at 2453 Sheridan Rd., Zion, IL 60099. The data should be sufficient to show the following:</p> <p>-The total annual number of firearms traced to 1st Class in each year from 2006 to the present date;</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be</p>

				<p>-The total annual number of each close-code assigned to those traces;</p> <p>-The total annual number of each crime reported with the traced firearms;</p> <p>-The total annual number of each firearm caliber reported with the traced firearms;</p> <p>-The total annual of each make and model reported with the traced firearms.</p>	<p>withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00466	20220922	(b) (6) - Individual	GA	<p>Gun sale of 1 M-LORCIN .380 Caliber Pistol, (b) (6) with which (b) (6) took his own life, January 17, 2020. The purpose for the request-The ATF records for the so stated gun sale/purchase.</p>	<p>Completed ATF Forms 4473 (Firearms Transaction Records) are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>

					<p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00596	20220922	(b) (6) – Lord & Heinlein	MN	<p>Any and all documents relating to sales of firearms to (b) (6) by Fleet Farm LLC, in the year 2021, including any applications or forms completed by (b) (6) including but not limited to a Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form 3310.4)</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as when an FFL has gone out of business. However, out of business records are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552. Any other records ATF may have that are responsive to your request would also be exempt from disclosure pursuant to the same exemption.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. If the FFL that sold the firearm is out of business, then ATF may have the requested Form 4473 but the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, any responsive Form 4473 in ATF's position must be withheld pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00987	20220921	(b) (6) – The News & Observer	NC	<p>I am seeking ATF information on guns used in crimes that were sold by ProShots, a gun store and shooting range in Rural Hall, North Carolina.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be</p>

					<p>withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01247	20220810	(b) (6) – Brady Center to Prevent Gun Violence	DC	<p>1. The aggregate number of Smith &amp; Wesson firearms recovered in Canada that have been the subject of trace requests to the ATF by Canadian law enforcement and/or governmental authorities ("Canadian authorities") over the past 10 years; and</p> <p>2. Identification information supplied by Canadian authorities to the ATF for Smith &amp; Wesson firearms recovered in Canada that have been the subject of trace requests to the ATF by Canadian authorities over the past 10 years including: (a) date of request; (b) serial number; (c) Firearm Identification Number ("FIN"), and/or (d) any other firearm identifier.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d</p>

					30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in Center for Investigative Reporting v. U.S. Department of Justice, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.
2022-00504	20220920	(b) (6) Columbia Journalism School	NY	I kindly request information, preferably in an open-format spreadsheet, the quantity, model, brand, store responsible for the sale, serial number, country of origin and the path through which the weapon passed before arriving in Brazil of weapons seized in Brazil that were tracked by the government of the United States of America. Please send the data for the years 2018, 2019, 2020, 2021 and 2022. If not, please send the largest possible historical series and the greatest possible granularity of data.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See Everytown for Gun Safety Support Fund v. ATF, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in Center for Investigative Reporting v. U.S. Department of Justice, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2020-1228 283077	20220906	(b) (6) NRA	VA	I am submitting a Freedom of Information Act request to obtain the number of multiple handgun sales reports and multiple rifle reports received by the ATF for each year from 2010 through the present. Specifically, I am requesting the following data for multiple handgun sales and multiple rifle sales individually: -the number of reports filed; the total number of firearms included in such reports; -the average number of firearms per multiple sale report; and -the number of reports indicated to be part of a previous multiple sale under box 2C on the	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included</p>

				appropriate report of multiple sale or other disposition forms.	<p>a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or all of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00464	20220901	(b) (6) Brown Univ.	MA	<p>I am looking for ATF tracing information related to firearms used by Cartel del Noreste in a shootout in Villa Unión, Coahuila, Mexico, in December 2019. According to court records, one .50 caliber M2 rifle recovered at the scene was traced to Israel Chapa, who has been indicted and is currently awaiting trial in Texas. For a book I am writing about gun violence in Mexico, which includes a chapter about the Villa Unión shooting, I am looking for information regarding all the weapons from that crime scene that the Mexican authorities submitted to ATF for tracing: 1) how many and what type of guns recovered in Villa Unión in December 2019 were submitted to ATF for tracing; 2) how many and what type of guns (model and caliber) were traced to firearm dealers in the US; 3) if possible, I would like to know the firearm dealers locations (city and state) and the date they were sold for each of the firearms recovered in Villa Unión.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01308	20220830	(b) (6)	DC	I am submitting a request for the following documents. Reports of lost and stolen guns from PS1	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace</p>

		<p>– Senate Majority PAC</p>		<p>Rural Hall DBA ProShots, located at 1013 Bethania-Rural Hall Rd, Rural Hall NC, over the last 7 years.</p>	<p>System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2022-01088</p>	<p>20220711</p>	<p>(b) (6) WGBH</p>	<p>MA</p>	<p>Under FOIA, I am requesting Firearms Trace Data for Massachusetts, New Hampshire, Rhode Island, Connecticut, Vermont and New York for the year 2010.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the</p>

					<p>Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2022-00339	20220817	(b) (6) - Brown Univ.	MA	<p>I would like to request information regarding 50 caliber rifles recovered in Mexico and submitted to ATF for tracing during the 20-year period, from January 1, 2001 to December 31, 2021:</p> <p>1) How many 50 caliber guns, recovered in Mexico, were submitted to ATF for tracing each year (2001-2021)?</p> <p>2) For each of these 50 caliber guns, what is a) the city and state of the FFL (in the US) where the gun was sold; 2) the city and state of the purchaser; 3) manufacturer of the gun; 4) recovery city and state (in Mexico).</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2022-00237	20220809	(b) (6) - Individual	FL	<p>DoD referral - records related to (b) (6) (deceased)</p> <p>[request summary]</p>	<p>The referred document contains material that ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the</p>

					<p>public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
<p>2022-01237</p>	<p>20220808</p>	<p>(b) (6) - Individual</p>	<p>CO</p>	<p>All records associated with purchase of firearms and any additional records the BATF may have on file for (b) (6) .</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>

					<p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),                  Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00191	20220808	(b) (6) – Dygert, Wright, Hobbs & Hernandez	VA	<p>Information from the Acquisition and Disposition records to Include: Gun Purchases and sales for Roger W. Perkins; DBA: Earlysville Guns; Earlysville Guns and Accessories last known FFL number of 8-54-003-01-C6-17703; and/or Roger W. Perkins: SS: (b) (6) (b) (6) DOB (b) (6) .</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),                  Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01219	20220802	(b) (6) – Individual	MA	<p>I would like gun trace from the latest full year available for Massachusetts.</p> <p>I would like to be able to report on total trace attempts and successful vs unsuccessful</p> <p>I would like to see trace data down to the zip code so that I can see where each gun originated from in the city of Boston, what crime the gun was used for, type of gun, age of the gun, age of the offender etc.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p>

				<p>For example, of 50 firearms recovered in Boston, 23 guns were successfully traced. Then report on the state the gun originates from etc.</p> <p>Your excellent site is very useful but only reports at the state level.</p>	<p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020).</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00527	20220802	(b) (6) - Resolve Philly	PA	<p>I am requesting the number of "Report of Multiple Sale or Other Disposition of Pistols or Revolvers" forms (ATF E-Form 3310.4 OMB No. 1140-0003) turned in to ATF from Pennsylvania each year from 2012 through 2020. If the data is sortable by county, I would request separate numbers for those years for the following counties: Philadelphia, Bucks, Chester, Delaware and Montgomery.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020).</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916</p>

					(9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.
2022-00561	20220728	(b) (6) – Individual	VA	My gun was stolen out of my truck. I need the serial number to add to the police report. The ffl I purchased ot from closed their brickand mortar store and sent all their records to the ATF Records Center. It was a Glock G45 9mm from Quantico Tactical.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see id. at 932-33.</p>
2022-00675	20220727	(b) (6) – Star Telegram	TX	I am requesting data that shows the amount of stolen guns reported to the ATF by the Fort Worth Police Department between 2016 and April 2022 broken down by year and month. I am also requesting data that shows which of those firearms had been recovered by law enforcement and tracking data that shows if those guns were used during any kind of crime or arrest.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included</p>

					<p>a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00667	20220727	(b) (6) - The Trace	IL??	<p>I'd like to request a list of every law enforcement agency in the U.S. to which more than 100 guns have been traced between 2010 and the present day, inclusive. Please list the name of the law enforcement agency, the number of traces associated with that agency for each year, and the average time-to-crime of the traces for that agency in each year.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020),</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>

2022-01127	20220721	(b) (6) – Brown Univ.	MA	I am requesting information about guns recovered following the Casino Royale attack in Monterrey, Mexico, on August 25, 2011, and submitted to ATF for tracing: 1) how many guns were traced to US sources? 2) what were the manufacturers and city/state of FFL that sold these guns? The information will be used in a book about gun trafficking and organized crime violence in Mexico.	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some ORAII] of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01053	20220721	(b) (6) – Lansing State Journal	MI	Any notifications from wholesalers in Michigan that a gun was used in a crime in Lansing MI in 2022	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p>

					<p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some or All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01079	20220706	(b) (6) – WWL-TV	LA	<p>I'm making a request under the FOIA for information on all "crime guns" (guns used to commit crimes) seized or recovered by police in New Orleans/Orleans Parish from Jan. 1, 2019 to July 1, 2022. Specifically, I'm looking for the firearms tracing information for details on where the gun was originally purchased and the steps it went through to end up at a crime scene.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. All of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020), Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00995	20220713	(b) (6) – NBC	NY or DC?	<p>I request disclosure of Firearms Trace Data, specifically regarding weapons recovered in Mexico and submitted to ATF for Tracing between the years 1990 and 2020 to include the number of firearms</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p>

				<p>manufactured in the United States, those imported into the United States, non-U.S. manufactured firearms, and those of undetermined country of origin.</p> <p>I also request data of U.S. sourced firearms recovered in Mexico and submitted to ATF for tracing for the years between 1990 and 2020. The data should include number of firearms traced to a retail purchaser and what state they were purchased in, traced to a foreign country or unable to determine a purchaser.</p> <p>Lastly I request data of types of firearms recovered in Mexico and submitted to ATF for tracing for the years between 1990 and 2020 to include the data points of: pistols, revolvers, rifles, shotguns, machine guns and other.</p> <p>Please consider the relevant request range from 1990 to 2020.</p>	<p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies either one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3) and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
2022-01073	20220706	(b) (6) - Individual	TX	<p>I am a former Federal Firearm License dealer requesting the final records submitted upon going "Out of Business". These records consisted of manufacturers, models, calibers, serial numbers, and purchases/sales, and were forwarded as required for filing with the ATF.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. [Some ORAll] of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>

					<p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020).</p> <p>Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-01000	20220701	(b) (6) – Kentucky Public Pensions Authority	KY	<p>Kentucky Public Pensions Authority is currently conducting an investigation involving the above listed individual, Charles Garland. DOB (b) (6) his SSN is (b) (6). Mr. Garland operated under the FFL #4-61-121-01-3 E-08777, which belonged to West Knox Pharmacy. (b) (6) he obtained a FFL under the name KY firearms with an FFL of 4-61-235-01-SC-I0000. I am requesting a list of all firearms purchased, sold or transferred utilizing these FFL's.</p>	<p>You requested material ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF's Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Because the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p> <p>On that basis, the Second Circuit held that the requested information is exempt from disclosure. See <i>Everytown for Gun Safety Support Fund v. ATF</i>, 984 F.3d 30 (2d Cir. 2020). Although the Ninth Circuit recently reached a different result on trace data in <i>Center for Investigative Reporting v. U.S. Department of Justice</i>, 14 F.4th 916 (9th Cir. 2021), the Ninth Circuit expressly did not address the ground on which the Second Circuit prohibited disclosure, see <i>id.</i> at 932-33.</p>
2022-00878	20220609	(b) (6) – Individual	NC	<p>I am an economist looking at the socio-economic impact associated with firearm sales. I saw you generate the Firearms Commerce Report annually. I am looking for firearm sales data (number of units, total dollar value, class, model, description, etc.) at the zip code or county level for an econometric model I plan to use. Do you all report firearms sales by zip code or county?</p>	<p>Completed ATF Forms 4473 are retained by the Federal Firearms Licensee (FFL) that sold the firearm. ATF does not retain ATF Forms 4473 except under limited circumstances, such as the FFL going out of business. If you are requesting out of business records, which ATF is required to maintain pursuant to the Gun Control Act (GCA) and/or is information contained in ATF Firearms Trace System database, then this information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.</p> <p>Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be</p>

					<p>withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.</p> <p>Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.</p> <p>The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.</p>
--	--	--	--	--	--