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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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MILNER v. DEPARTMENT OF THE NAVY**CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT**

No. 09–1163. Argued December 1, 2010—Decided March 7, 2011

The Freedom of Information Act (FOIA) requires federal agencies to make Government records available to the public, subject to nine exemptions. This case concerns Exemption 2, which protects from disclosure material “related solely to the internal personnel rules and practices of an agency.” 5 U. S. C. §552(b)(2). This provision replaced an Administrative Procedure Act (APA) exemption for “any matter relating solely to the internal management of an agency,” 5 U. S. C. §1002 (1964 ed.). Congress believed that the “sweep” of the phrase “internal management” had led to excessive withholding, and drafted Exemption 2 “to have a narrower reach.” *Department of Air Force v. Rose*, 425 U. S. 352, 362–363.

In *Rose*, the Court found that Exemption 2 could not be invoked to withhold Air Force Academy honor and ethics hearing summaries. The exemption, the Court suggested, primarily targets material concerning employee relations or human resources. But the Court stated a possible caveat: That understanding of the provision’s coverage governed “at least where the situation is not one where disclosure may risk circumvention of agency regulation.” *Id.*, at 369. The D. C. Circuit subsequently converted this caveat into a new definition of Exemption 2’s scope, finding that the exemption also covered any “predominantly internal” materials whose disclosure would “significantly ris[k] circumvention of agency regulation or statutes.” *Crooker v. Bureau of Alcohol, Tobacco & Firearms*, 670 F. 2d 1051, 1056–1057, 1074. Courts now use the term “Low 2” for human resources and employee relations records and “High 2” for records whose disclosure would risk circumvention of the law.

Petitioner Milner submitted FOIA requests for explosives data and maps used by respondent Department of the Navy (Navy or Govern-

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ment) in storing munitions at a naval base in Washington State. Stating that disclosure would threaten the security of the base and surrounding community, the Navy invoked Exemption 2 and refused to release the data. The District Court granted the Navy summary judgment, and the Court of Appeals affirmed, relying on the High 2 interpretation.

Held: Because Exemption 2 encompasses only records relating to employee relations and human resources issues, the explosives maps and data requested here do not qualify for withholding under that exemption. Pp. 6–19.

(a) Exemption 2 shields only those records relating to “personnel rules and practices.” When used as an adjective in this manner, the key statutory word “personnel” refers to human resources matters. For example, a “personnel department” deals with employee problems and interviews applicants for jobs. FOIA Exemption 6 provides another example, protecting certain “personnel . . . files” from disclosure. §552(b)(6). “[T]he common and congressional meaning of . . . ‘personnel file’” is a file maintained by a human resources office collecting personal information about employees, such as examination results and work performance evaluations. *Rose, supra*, at 377. Exemption 2 uses “personnel” in the exact same way. An agency’s “personnel rules and practices” all share a critical feature: They concern conditions of employment in federal agencies—such matters as hiring and firing, work rules and discipline, compensation and benefits. These items currently fall within the so-called Low 2 exemption. And under this Court’s construction of the statutory language, Low 2 is all of 2.

FOIA’s purpose reinforces this reading. The statute’s goal is “broad disclosure,” and the exemptions must be “given a narrow compass.” *Department of Justice v. Tax Analysts*, 492 U. S. 136, 151. A narrow construction stands on especially firm footing with respect to Exemption 2, which was intended to hem in the expansive withholding that occurred under the prior APA exemption for “internal management” records.

Exemption 2, as interpreted here, does not reach the requested explosives information. The data and maps, which calculate and visually portray the magnitude of hypothetical detonations, in no way relate to “personnel rules and practices,” as that term is most naturally understood. Pp. 6–10.

(b) The Government’s two alternative readings of Exemption 2 cannot be squared with the statute. Pp. 10–17.

(c) While the Navy has a strong security interest in shielding the explosives data and maps from public disclosure, the Government has other tools at hand to protect such information: FOIA Exemption

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1 prevents access to classified documents; Exemption 3 applies to records that any other statute exempts from disclosure; and Exemption 7 protects “information compiled for law enforcement purposes” if its release, *inter alia*, “could reasonably be expected to endanger the life or physical safety of any individual,” §552(b)(7)(F). The Navy’s argument that the explosives information is exempt under Exemption 7 remains open for the Ninth Circuit to address on remand. And if these or other exemptions do not cover records whose release would threaten the Nation’s vital interests, the Government may of course seek relief from Congress. Pp. 17–18.

575 F. 3d 959, reversed and remanded.

KAGAN, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, THOMAS, GINSBURG, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion. BREYER, J., filed a dissenting opinion.