

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Leopold v. Central Intelligence Agency

No. 22-cv-453 (DLF) (D.D.C. Mar. 30, 2026) · No. No. 22-cv-453 (DLF) · Decided March 30, 2026

SUMMARY

The United States District Court for the District of Columbia addresses cross-motions for summary judgment in a Freedom of Information Act action brought by Jason Leopold and BuzzFeed against the Central Intelligence Agency. The opinion considers the CIA’s withholdings under FOIA Exemptions 3 and 7, including the retroactive application of an amendment to the CIA Act, whether records were compiled for law enforcement purposes, foreseeable harm, and segregability.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Dabney L. Friedrich
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 30, 2026
DOCKET	No. 22-cv-453 (DLF)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cross-motions for summary judgment in a FOIA action
STANDARD OF REVIEW	Summary judgment under Rule 56(a)
PRECEDENTIAL VALUE	Published
PARTIES	Jason Leopold, Buzzfeed Inc. v. Central Intelligence Agency

TOPICS

- statutory interpretation
- judicial review of agency action
- civil procedure
- discovery dispute
- summary judgment

PRACTICE AREAS

- administrative law
- civil procedure
- statutory interpretation
- freedom of information

QUESTIONS PRESENTED

1. Whether there is a statutory basis for certain of the CIA's withholdings under FOIA Exemption 3, specifically whether the amended 50 U.S.C. § 3507 applies retroactively to this litigation
2. Whether the CIA compiled five specific reports for 'law enforcement purposes' under FOIA Exemption 7
3. Whether the CIA adequately articulated the foreseeable harm that would befall disclosure of information withheld under Exemption 7(E)
4. Whether the CIA properly segregated unprotected, disclosed information from withheld information

HOLDINGS

1. The 2022 amendment to the CIA Act (50 U.S.C. § 3507) applies to this case and does not have an impermissible retroactive effect because FOIA does not confer substantive individual rights to information, and the amendment merely affects the propriety of prospective injunctive relief.
2. The three reports were properly withheld under Exemption 7(C) because the plaintiffs conceded the withholdings in their Statement of Material Facts and at summary judgment by not contesting the CIA's concession argument.
3. Document Number C06948242 was 'compiled for law enforcement purposes' because it involved a conflict-of-interest investigation concerning specific criminal statutes (18 U.S.C. §§ 203, 208, 371, 1349, and 1001) that established both a rational nexus to the CIA's law enforcement duties and a connection to possible violations of federal law.
4. The CIA failed to demonstrate that Document Number C06948221 was 'compiled for law enforcement purposes' because at the time it was compiled in 2021, the relevant whistleblower protection statute (50 U.S.C. § 3234) did not include civil or criminal sanctions, and the CIA did not provide sufficient detail about prospective sanctions.
5. The CIA satisfied the foreseeability requirement for Exemption 7(E) by specifically stating that disclosure would lead to 'increased risk that this information would be used to circumvent the CIA OIG's techniques and procedures,' with detailed specifics about the types of information that would be disclosed.
6. The CIA met its segregability burden by releasing all reasonably segregable information, supported by its supplemental declaration that its segregability analysis considered whether additional information could be segregated without causing foreseeable harm.

KEY QUOTATIONS

“The system of disclosure established by the FOIA is simple in theory. A federal agency must disclose agency records unless they may be withheld pursuant to one of the nine enumerated exemptions listed in [5 U.S.C.] § 552(b).” (at 8)

“FOIA is not the kind of statute that is primarily concerned with individual rights.” (at 10)

“FOIA does not grant the plaintiffs a right to information in the CIA's records. It instead creates a right to compliance with FOIA procedures and to request injunctive relief for violations.” (at 12)

“The mere possibility of a legal violation is not sufficient to show compilation for 'law enforcement purposes,' because '[a]ny internal auditing or monitoring conceivably could result in disciplinary action,' which would 'swallow[] up' FOIA.” (at 18)

“the foreseeability requirement means that agencies must concretely explain how disclosure 'would'—not 'could'—adversely impair [an exemption's protected interest].” (at 23)

FACTUAL BACKGROUND

Jason Leopold, an investigative reporter for BuzzFeed, submitted a FOIA request to the CIA's Office of the Inspector General for concluding documents of misconduct investigations from 2020 and 2021. After the CIA failed to respond timely, Leopold and BuzzFeed filed suit. The CIA processed 67 reports, releasing 65 in part and withholding two in full, relying on various FOIA exemptions. The parties narrowed the dispute during litigation to four specific issues concerning the statutory basis for Exemption 3 withholdings, the law enforcement purpose of five reports under Exemption 7, the foreseeable harm requirement for Exemption 7(E), and segregability of disclosed information.

PROCEDURAL HISTORY

Plaintiffs filed a FOIA lawsuit after the CIA failed to issue a timely determination on their request for records concerning OIG misconduct investigations. After the CIA processed 67 reports, releasing 65 in part and withholding two in full, the parties filed cross-motions for summary judgment. The dispute narrowed during litigation, leaving four issues for the court to resolve regarding Exemptions 3, 7, 7(E), and segregability.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The CIA must remove redactions from Document Number C06948221 that rely on a withholding under Exemption 7 that do not overlap with a proper withholding, and ensure any such information is properly released consistent with its segregability requirements.

CASES CITED

- *ACLU v. U.S. Dep't of Def.*, 628 F.3d 612 (D.C. Cir. 2011)
- *Sack v. CIA*, 53 F. Supp. 3d 154 (D.D.C. 2014)
- *Phillippi v. CIA*, 546 F.2d 1009 (D.C. Cir. 1976)
- *Whitaker v. CIA*, 31 F. Supp. 3d 23 (D.D.C. 2014)
- *Nat'l Sec. Couns. v. CIA*, 960 F. Supp. 2d 101 (D.D.C. 2013)
- *Moore v. CIA*, 2022 WL 2983419 (D.D.C. July 28, 2022)
- *Landgraf v. USI Film Prods.*, 511 U.S. 244 (1994)
- *Republic of Austria v. Altmann*, 541 U.S. 677 (2004)

- Singh v. George Wash. Univ. Sch. of Med. and Health Scis., 667 F.3d 1 (D.C. Cir. 2011)
- Afshar v. Department of State, 702 F.2d 1125 (D.C. Cir. 1983)
- Bradley v. School Bd., 416 U.S. 696 (1974)
- Electronic Privacy Information Center v. Internal Revenue Service, 910 F.3d 1232 (D.C. Cir. 2018)
- Southwest Center for Biological Diversity v. U.S. Dep't of Agriculture, 314 F.3d 1060 (9th Cir. 2002)
- Ctr. for Biological Diversity v. U.S. Dep't of Agric., 626 F.3d 1113 (9th Cir. 2010)
- City of Chicago v. U.S. Dep't of Treasury, Bureau of Alcohol, Tobacco & Firearms, 423 F.3d 777 (7th Cir. 2005)
- Whitman v. Am. Trucking Ass'n, 531 U.S. 457 (2001)
- Chrysler v. Brown, 441 U.S. 281 (1979)
- Kissinger v. Reps. Comm. for Freedom of the Press, 445 U.S. 136 (1980)
- Am. Steel Foundries v. Tri-City Cent. Trades Council, 257 U.S. 184 (1921)
- Elec. Priv. Info. Ctr. v. DHS, 777 F.3d 518 (D.C. Cir. 2015)
- Nat'l Ass'n of Life Underwriters, Inc. v. Comm'r, 30 F.3d 1526 (D.C. Cir. 1994)
- Keller v. United States, 58 F.3d 1194 (7th Cir. 1995)
- Am. Title Ins. Co. v. Lacelaw Corp., 861 F.2d 224 (9th Cir. 1988)
- Wannall v. Honeywell, Inc., 775 F.3d 425 (D.C. Cir. 2014)
- Pratt v. Webster, 673 F.2d 408 (D.C. Cir. 1982)
- Rural Hous. All. v. Dep't of Agric., 498 F.2d 73 (D.C. Cir. 1974)
- Jefferson v. DOJ, Off. of Prof'l Resp., 284 F.3d 172 (D.C. Cir. 2002)
- Ctr. for Nat'l Sec. Stud. v. DOJ, 331 F.3d 918 (D.C. Cir. 2003)
- Campbell v. DOJ, 164 F.3d 20 (D.C. Cir. 1998)
- Tax Analysts v. IRS, 294 F.3d 71 (D.C. Cir. 2002)
- Bartko v. DOJ, 898 F.3d 51 (D.C. Cir. 2018)
- Clemente v. FBI, 867 F.3d 111 (D.C. Cir. 2017)
- Quinon v. FBI, 86 F.3d 1222 (D.C. Cir. 1996)
- Doe v. FBI, 936 F.2d 1346 (D.C. Cir. 1991)
- SafeCard Servs., Inc. v. SEC, 926 F.2d 1197 (D.C. Cir. 1991)
- Kay v. FCC, 867 F. Supp. 11 (D.D.C. 1994)
- Reps. Comm. for Freedom of the Press v. FBI, 3 F.4th 350 (D.C. Cir. 2021)
- Groenendal v. Exec. Off. for U.S. Att'ys, 2024 WL 1299333 (D.D.C. Mar. 27, 2024)
- Reps. Comm. for Freedom of the Press v. CBP, 567 F. Supp. 3d 97 (D.D.C. 2021)
- Reps. Comm. for Freedom of the Press v. FBI, 754 F. Supp.3d 56 (D.D.C. 2024)
- Project for Priv. & Surveillance Accountability, Inc. v. DOJ, 2024 WL 2864191 (D.D.C. June 6, 2024)
- Kendrick v. FBI, 2022 WL 4534627 (D.D.C. Sept. 28, 2022)
- Fogg v. IRS, 106 F.4th 779 (8th Cir. 2024)
- Mead Data Cent., Inc. v. U.S. Dep't of the Air Force, 566 F.2d 242 (D.C. Cir. 1977)

- Leopold v. DOJ, 94 F.4th 33 (D.C. Cir. 2024)
- Sussman v. U.S. Marshals Serv., 494 F.3d 1106 (D.C. Cir. 2007)
- Sack v. U.S. Dep't of Def., 823 F.3d 687 (D.C. Cir. 2016)

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