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Media Coalition Statement on the *Food Marketing Institute v. Argus Leader Decision*

WASHINGTON — On Monday, June 24, 2019, the United States Supreme Court issued a 6-3 decision in *Food Marketing Institute v. Argus Leader Media*. This case involved the *Argus Leader*'s Freedom of Information Act (FOIA) request for data collected by the U.S. Department of Agriculture and Exemption 4, a FOIA exemption that is usually used by agencies to withhold trade secrets and confidential business information submitted to the government by private individuals and companies. The Court held that FMI had standing to appeal a lower court's ruling and that "commercial and financial information [that] is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy is 'confidential' information within Exemption 4's meaning." In response, the News Media for Open Government (NMOG) made the following statement:

"Today, the Supreme Court overruled the 45-year-old *National Parks* precedent of what is deemed confidential under FOIA's Exemption 4. The decision today will broaden the scope of what is deemed 'confidential' under Exemption 4 and could potentially limit the amount of information that the public has a right to know. This decision erodes the foundation of what is considered public information and will greatly harm the public's right, and need, to know how their tax dollars are being spent by their government. We urge Congress to re-examine this decision and we look forward to working with Congress on a legislative fix to Exemption 4, including balancing the public's right to know with the stated exemptions outlined in FOIA. To quote Justice Breyer, 'the whole point of FOIA is to give the public access to information it cannot otherwise obtain.'"

NMOG members have worked together in a nonpartisan manner for over a decade to speak with a united voice to strengthen open government policies and practices. Members of NMOG include American Society of News Editors, The Associated Press, Association of Alternative Newsmedia, National Association of Broadcasters, National Newspaper Association, News Media Alliance, Online News Association, Radio Television Digital News Association, Reporters Committee for Freedom of the Press, and Society of Professional Journalists.

For more information on the coalition, please [visit our website](#) and follow us on Twitter [@foropengov](#).

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