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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR
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October 5, 2015

Mr. Austin McChord
Chief Executive Officer
Datto, Inc.
101 Merritt 7, 7th Floor
Norwalk, CT 06851

Dear Mr. McChord:

The Committee on Homeland Security and Governmental Affairs is examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. The Committee has learned that a product offered by Datto, Inc.—the Datto SIRIS S2000¹—was purchased in 2013 for Secretary Clinton to provide on-site, immediate recovery of backup data in the event that the primary server failed.² The Committee is interested in the security and preservation of Secretary Clinton's official records, including whether this backup device was used to back up, recover, or store those records in any manner. I request your assistance with this important inquiry.

Datto, Inc. is “an innovative provider of comprehensive backup, recovery and business continuity solutions used by thousands of managed service providers worldwide,” offering cloud, hardware, and software devices.³ A Datto SIRIS device, like the one acquired for Secretary Clinton, “takes data directly from the server and converts it into virtual machines that can be booted instantly from a remote web interface.”⁴ Essentially, if the primary server fails, the Datto device acts as a virtual server to allow continued workflow while the primary server is fixed.⁵ When acquiring a Datto SIRIS device, Datto offers its clients two options for storing the virtualized backups. The first option is to store the backups on-site on the Datto SIRIS S2000 product itself, creating a private cloud for the data that keeps the data within the customer's control only.⁶ The second option is the data can be stored “remotely in Datto's secure cloud.”⁷

¹ According to Datto's website, its SIRIS product supports “business continuity” with server backups, virtualization, and cloud-based accessibility. See Datto Siris 2, found at <http://www.datto.com/siris>.

² Platte River Networks Invoice #7942 (May 31, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

³ Datto, Inc., About Datto, <http://www.datto.com/about>.

⁴ Datto SIRIS Brochure found at

http://www.abletek.com/productcatalog/datto/siris/pdf/DattoSIRISProductBrochure_r2.pdf.

⁵ Instant Virtualization, Datto (last accessed on Sept. 23, 2015) <http://www.datto.com/technologies/instant-virtualization>.

⁶ *Id.*

⁷ *Id.*

According to information received by the Committee, Platte River Networks (PRN)⁸ billed the Clinton Executive Service Corp. (CESC) on May 31, 2013, to acquire a Datto SIRIS S2000 device. CESC appears to be a Clinton family company. According to documents received by the Committee, CESC oversaw contracting for the hardware and software required for Secretary Clinton's private server and email.⁹

When Secretary Clinton's private server was moved from her private residence to the New Jersey-based data center, PRN set up the Datto SIRIS device at this new location.¹⁰ When acquiring the Datto SIRIS product, it appears that CESC representatives worked with PRN employees to determine how the Datto device would back up data on Secretary Clinton's private server.¹¹ According to documents received by the Committee, CESC chose to only store the backup data on-site on the Datto SIRIS device, thus creating a private cloud managed by PRN.¹² CESC specifically requested that no data be stored on Datto's off-site cloud at any time.¹³

Although Secretary Clinton apparently wanted "Datto options *without* offsite backup," there was confusion among PRN employees when they noticed that data from Secretary Clinton's private server was potentially being sent to Datto's off-site backup location.¹⁴ In

⁸ Platte River Networks was hired by Secretary Clinton in 2013 to maintain the data stored on her private server.

⁹ Email from Infograte to Platte River Networks (Apr. 17, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

¹⁰ Platte River Networks Invoice #33427 (June 15, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

¹¹ See Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs); Email from Platte River Networks to Platte River Networks (Jan. 26, 2015); Email from Platte River Networks to Platte River Networks (Jan. 26, 2015).

¹² Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs). PRN billed for work installing the device in June 2013. For use of the private cloud capability, Datto charges a monthly fee. Each month beginning in July 2013, PRN billed CESC for "Datto Month of Private Cloud Service." This monthly service fee apparently allowed Secretary Clinton to continually have a backup on a private, virtual cloud on the SIRIS S2000 device. See Platte River Networks Invoice #33427 (June 15, 2013); Platte River Networks Invoice #33488 (June 17, 2013); Platte River Networks Invoice #IS.1307006 (July 1, 2013); Platte River Networks Invoice #IB.1308057 (Aug. 5, 2013); Platte River Networks Invoice #IB.1309050 (Sept. 4, 2013); Platte River Networks Invoice #IB.1310031 (Oct. 3, 2013); Platte River Networks Invoice #IB.1311027 (Nov. 5, 2013); Platte River Networks Invoice #IB.1312009 (Dec. 4, 2013); Platte River Networks Invoice #IB.1401012 (Jan. 6, 2014); Platte River Networks Invoice #IB.1402022 (Feb. 3, 2014); Platte River Networks Invoice #IB.1403010 (Mar. 3, 2014); Platte River Networks Invoice #IB.1404011 (Apr. 1, 2014); Platte River Networks Invoice #IB.1405011 (May 1, 2014); Platte River Networks Invoice #IB.1406011 (June 1, 2014); Platte River Networks Invoice #IB.1407012 (July 1, 2014); Platte River Networks Invoice #IB.1408012 (Aug. 4, 2014); Platte River Networks Invoice #IB.1409013 (Sept. 3, 2014); Platte River Networks Invoice #IB.1410015 (Oct. 1, 2014); Platte River Networks Invoice #IB.1411016 (Nov. 3, 2014); Platte River Networks Invoice #IB.1412015 (Dec. 2, 2013); Platte River Networks Invoice #IB.1501015 (Jan. 6, 2015); Platte River Networks Invoice #IB.1502014 (Feb. 2, 2015); Platte River Networks Invoice #IB.1503016 (Mar. 3, 2015); Platte River Networks Invoice #IB.1504014 (Apr. 1, 2015); Platte River Networks Invoice #IB.1505016 (May 1, 2015); Platte River Networks Invoice #IB.1506014 (June 1, 2015); Platte River Networks Invoice #IB.1507017 (July 1, 2015); Platte River Networks Invoice #IB.1508019 (Aug. 1, 2015) (all invoices mentioned on file with the Committee on Homeland Security and Governmental Affairs).

¹³ Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

¹⁴ Email from Platte River Networks to Platte River Networks (Aug. 1, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

August 2015, employees at PRN discovered that Secretary Clinton's private server was syncing with "an offsite sync server . . . belonging to Datto."¹⁵

PRN employees reached out to Datto to determine if the server was actually sending data from the private server to Datto's off-site cloud for backup. One PRN employee wrote to Datto and stated, "[w]hen we made the purchase [of the SIRIS S2000], it was under the understanding that we didn't want to backup to Datto's [off-site] datacenter."¹⁶ When a Datto employee determined that "for some reason this device [the SIRIS S2000] does appear to be syncing with the Datto Cloud,"¹⁷ another PRN employee bluntly replied, "[t]his is a problem. This data should not be stored in the Datto Cloud . . ."¹⁸ Whereas CESC specifically requested that no data from Secretary Clinton's private server be backed up off-site, according to this information, it appears that Datto was providing backups for the server "from the beginning" of the contract.¹⁹ Thus, as of August 2015, Datto apparently possessed a backup of the server's contents since June 2013.

In response to this finding, PRN employees directed Datto to not delete the saved data and worked with Datto to find a way to move the saved information on Datto's servers back to Secretary Clinton's private server.²⁰ According to documents received by the Committee, it appears that Datto and PRN employees discussed an option to save the data on a USB drive, send the USB drive to PRN, and "then wipe [the data] from the [Datto] cloud."²¹ Despite these communications, it is unclear whether or not this course of action was followed. Additionally, questions still remain as to whether Datto actually transferred the data from its off-site datacenter to the on-site server, what data was backed up, and whether Datto wiped the data after it was transferred.

It also appears that PRN employees were directed by CESC to reduce how much data would be stored in each backup. In August 2015, a PRN employee raised the prospect that the length of the backups was reduced at some point during PRN's time managing the server. In an email to a colleague with the subject line "CESC Datto," the PRN employee asked if it is possible to use Mimecast,²² PRN's email archiving system, to find an old email from CESC directing PRN to reduce the length of Datto's backups. He wrote:

¹⁵ Email from Platte River Networks to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

¹⁶ Email from Platte River Networks to Datto, Inc. (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Email from Platte River Networks to Platte River Networks (Aug. 7, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

²⁰ Email from Platte River Networks to Datto, Inc. (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

²¹ Email from Platte River Networks to Platte River Networks (Aug. 7, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

²² PRN used a Mimecast product that allowed PRN to archive employee emails in a cloud-based server and search that archive as needed. *See* Mimecast, Archiving, Risk & Compliance (last accessed on Sept. 23, 2015) <https://www.mimecast.com/solutions/email-archiving-compliance/>.

Any chance you found an old email with their directive to cut the backup back in Oct-Feb. I know they had you cut it once in Oct-Nov, then again to 30days [sic] in Feb-ish. If we had that email, we are golden. Would Mimecast have archived it by chance? Wondering how we can sneak an email in now after the fact asking them when they told us to cut the backups and have them confirm it for our records. Starting to think this whole thing really is covering up some shady shit.... I just think if we have it in writing that they told us to cut the backups, and that we can go public with our statement saying we have had backups since day one, then we were told to trim to 30days [sic], it would make us look a WHOLE LOT better.²³

The State Department formally requested all of Secretary Clinton's records related to her time as Secretary of State on October 28, 2014.²⁴ It is unclear why Secretary Clinton's representatives apparently directed PRN to reduce the backup time period of her emails around the same time period or in the months following the State Department's request.

In order to better understand Datto's role relating to Secretary Clinton's private server, the backup and security capabilities of the private server, and any directives provided to Datto relating to the server, I ask that you please provide the following information and materials:

1. Please produce all documents and communications between or among employees or contractors of Datto and employees of Platte River Networks, Clinton Executive Services Corp. (CESC), or any other party referring or relating to Secretary Clinton's private server or any backup device.
2. Please produce all contracts between Datto and Platte River Networks, CESC, or any other party referring or relating to Secretary Clinton's private server or any backup device.
3. Please produce all invoices, bills, and receipts prepared by Datto or its representatives or agents regarding Secretary Clinton's private server or any backup device.
4. Please produce all helpdesk, service, or support tickets received by Datto from Platte River Networks, CESC, or any other party related to the Datto device used to backup Secretary Clinton's private server.
5. Is Datto authorized to store classified information? Were any Datto employees authorized to view classified information? Please explain. Did Datto's contract

²³ Email from Platte River Networks to Platte River Networks (Aug. 19, 2015) (emphasis added) (on file with the Committee on Homeland Security and Governmental Affairs); *see also* Email from Platte River Networks to Platte River Networks (Aug. 18, 2015) (PRN employee believes CESC direction to reduce the length of time backups were kept "was all phone comm[unication]s") (on file with the Committee on Homeland Security and Governmental Affairs).

²⁴ Letter from Patrick F. Kennedy, Under Secretary, U.S. Department of State, to Cheryl Mills (stamped Nov. 12, 2014) <http://www.archives.gov/press/press-releases/2015/pdf/attachment4-clinton-letter.pdf>.

regarding Secretary Clinton's private server include provisions related to the storing of classified information?

6. Has Datto been contacted by the Federal Bureau of Investigation (FBI) or any other law-enforcement entity regard Secretary Clinton's private server? Has Datto turned over any information, materials, or equipment to the FBI or any other law enforcement entity? Please explain.
7. Information obtained by the Committee suggests that PRN ordered a new Datto device in 2015 "to turn encryption on for the backups and then to power down the old device."²⁵ Please explain the measures taken to ensure the security of data stored on the SIRIS S2000 device, the private cloud, and the Datto Cloud.
 - a. Was the backup data stored on the private cloud encrypted when the device was first installed in 2013?
 - b. Was the backup data stored on the Datto Cloud encrypted?
8. Please explain the process for storing data in the Datto Cloud.
 - a. How long is data retained in the cloud?
 - b. What happens to the data once the required retention period is reached?
 - c. Is the data deleted automatically?
 - d. As mentioned above, CESC requested that the retention period for backups be reduced to 30 days. What information would be lost by reducing the backup retention period to 30 days? Please explain.
9. According to documents received by the Committee, Datto was providing off-site, cloud-based, back-up services for data contained on Secretary Clinton's private server.²⁶
 - a. How much data was stored on Datto's cloud? Please explain.
 - b. Was this data eventually moved elsewhere? If so, where and how was this data moved? If the data was moved from Datto's servers, did Datto retain a copy of that data? If Datto retained a copy, please provide this material to the Committee.
 - c. Please explain what security measures are in place to protect the data stored on Datto's cloud?
 - d. During the time in which Secretary Clinton's private server was backed up on Datto's cloud, did Datto's cloud come under cyberattack? If so, please provide documentation that includes information about the time and date each attack occurred and whether any data was compromised.
 - e. According to documents received by the Committee, Datto was not supposed to be storing data from Secretary Clinton's private server as part of the contract.²⁷ Please explain how and why data was stored on Datto's cloud.

²⁵ Email from Platte River Networks to Platte River Networks (Aug. 18, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

²⁶ Email from Channel Sales Executive, Datto, Inc., to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

- f. As mentioned above, Datto employees reviewed why backups to the Datto cloud were occurring.²⁸ Please provide any documentation or correspondence related to what these employees found.

Please provide this information and material as soon as possible, but no later than 5:00pm on October 19, 2015. Additionally, I ask that you please provide the Committee with a staff-level briefing to discuss Datto's role in backing up the server.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of Government."²⁹ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the effectiveness of present national security methods, staffing and processes..."³⁰ For purposes of this request, please refer to the definitions and instructions in the enclosure. To the maximum extent possible, please provide unclassified responses to my questions; should a complete response to any question require that you send me classified information, you may send me that information under separate cover, via the Office of Senate Security.

If you have any questions about this request, or concerns about the instructions or requirements in the enclosure, please contact [REDACTED] of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

Enclosure

²⁷ Email from Channel Sales Executive, Datto, Inc., to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

²⁸ *Id.*

²⁹ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

³⁰ S. Res. 73 § 12, 114th Cong. (2015).