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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250
April 4, 2016

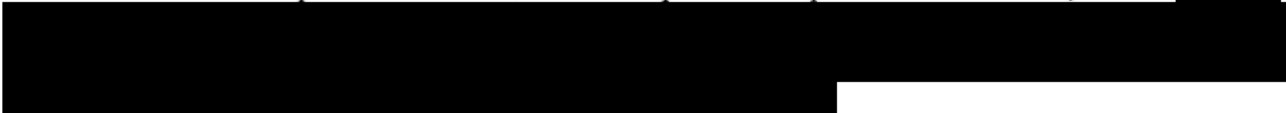
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The Honorable Sylvia Burwell
Secretary
U.S. Department of Health and Human Services
Washington, D.C. 20201

Dear Secretary Burwell:

I am writing to you regarding the recent data breach at the Office of Child Support Enforcement (OCSE) within the U.S. Department of Health and Human Services (HHS). I am concerned by the possibility that data on vulnerable children and families may have been compromised during the theft of hard drives and other storage devices from an OCSE field office. The children and families that HHS serves entrusted it with the security of this information, some of which could put them in harm's way if released, and now some of that information appears to have been stolen.

HHS notified the Committee of this data breach, affecting a field office from OCSE's regional office in Olympia, Washington, on March 25, 2016.¹ According to public information, the office was burglarized on February 5 and February 7, 2016.² During the burglaries, several items were stolen, including at least two external hard drives each containing two to five million individual's profiles.³ According to one report, although a suspect has been arrested and charged in the burglary, the hard drives have not been recovered.⁴ During the notification, HHS advised the Committee that the Department first learned of the potential exposure on March 18, 2016.⁵



As you know, OCSE is responsible for overseeing the operations and performance of child support programs across the United States.⁸ To that end, OCSE has a presence in 54 states and territories and in 60 tribes.⁹ According to preliminary data published by HHS, the office maintains information on over 16 million children.¹⁰ It is unclear from the information HHS provided how

¹ Phone call to Committee staff by U.S. Dep't of Health and Human Services (Mar. 25, 2016).

² See Amelia Dickinson, *Olympia Man Suspected of Stealing Hard Drives from Federal Offices*, THE OLYMPIAN, Mar. 28, 2016, available at <http://www.theolympian.com/news/local/crime/article68707832.html>

³ *Id.*

⁴ *Id.*

⁵ Phone call to Committee staff by U.S. Dep't of Health and Human Services (Mar. 25, 2016).

⁶ Federal Protective Service, Police Report (Feb. 8, 2016).

⁷ Phone call to Committee staff by U.S. Dep't of Health and Human Services (Mar. 25, 2016).

⁸ OFFICE OF CHILD SUPPORT ENFORCEMENT, U.S. DEP'T OF HEALTH & HUMAN SERVICES, ANNUAL REPORT TO CONGRESS FY 2013 at iii (2014).

⁹ *Id.* at 2.

¹⁰ OFFICE OF CHILD SUPPORT ENFORCEMENT, U.S. DEP'T OF HEALTH & HUMAN SERVICES, PRELIMINARY REPORT FY 2014 at 8 (2015).

many of those children's records were compromised, and the potential risk to those children, despite a statutory requirement that you provide that information to Congress.¹¹ In addition, HHS has not advised the Committee as to whether information from other offices at HHS was compromised in the breach. For example, the Administration for Children and Families (ACF), of which OCSE is one component office, also includes the National Child Abuse and Neglect Data System and the Adoption and Foster Care Analysis and Reporting System, which collectively contain case-specific data on children who are the victims of abuse or neglect and all children in foster care or who have been adopted.¹² ACF also includes the Office of Refugee Resettlement, which oversees care for unaccompanied alien children (UACs).¹³

To assist the Committee in examining this matter, I request that you provide the following information and material as soon as possible but by no later than April 18, 2016:

Background on data and timeline of events

1. For each storage device stolen, what specific information was on the device?
2. Have any of the stolen storage devices [REDACTED] been recovered? If so what is their status and what information is on them?
3. When did HHS first become aware of the burglary?
4. When did HHS first become aware that the devices stolen in the burglary may have contained Department information, or sensitive or personal identifiable information?

Policies and procedures

5. What is the Department's data breach response procedure and was that procedure followed?
6. What are the Department's, ACF's, and OCSE's policies regarding storage of information on portable devices, such as external hard drives [REDACTED] or employees' personal equipment? Please produce with your response any such policies.
7. What access do OCSE employees at regional offices have to information systems and data housed at other offices within HHS; the Federal Government; or state, local, tribal, or territorial governments? Please explain.

Investigation and mitigation

8. Please produce all documents and communications referring or relating to this data breach or the theft of the electronic devices referenced above.
9. What steps has and will the Department take to reduce the likelihood that such a breach will occur again and, if it does, minimize the amount of data compromised?
10. Has HHS notified, or will it notify, those individuals whose data may have been compromised? What steps is HHS taking to mitigate the harm to those whose data may have been compromised?

¹¹ Federal Information Security Modernization Act of 2014, Pub. L. 113-283, 128 Stat. 3073, § 2(d)(1)(A)(ii).

¹² E.g., CHILDREN'S BUREAU, U.S. DEP'T OF HEALTH & HUMAN SERVICES, CHILD WELFARE OUTCOMES 2010-2013: REPORT TO CONGRESS 2-3 (2013).

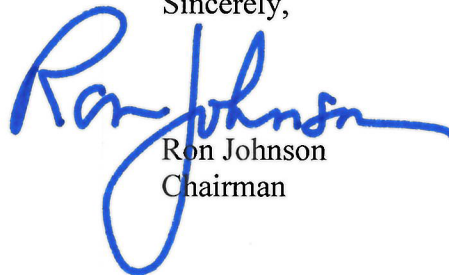
¹³ E.g., Unaccompanied Children's Program, U.S. Dep't of Health & Human Services, Fact Sheet (2016).

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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 the Government.”¹⁴ The Committee’s legislative jurisdiction extends to the Department of Homeland Security, the Government Accountability Office, and the Inspector General Act of 1978. Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasances, collusion, mismanagement, incompetence, corruption or unethical practices...”¹⁵

Should you have any questions, please contact Liam McKenna on my Committee staff at 202-224-3288. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is stylized with a large, looping "R" and a long, sweeping underline that extends to the right.

Ron Johnson
Chairman

cc: The Honorable Tom Carper
Ranking Member

¹⁴ S. Rule XXV (k); see also S. Res. 445, 108th Cong. (2004).

¹⁵ S. Res. 73 § 12, 114th Cong. (2015).