

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

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[www.science.house.gov](http://www.science.house.gov)

April 8, 2016

The Honorable Martin J. Gruenberg  
Chairman  
Federal Deposit Insurance Corporation  
550 17th Street NW  
Washington, DC 20429

Dear Mr. Gruenberg,

The Committee on Science, Space, and Technology is conducting oversight of a recent security event at the Federal Deposit Insurance Corporation (FDIC). Recently, the FDIC wrote to the Committee informing it of a security breach involving an employee who obtained sensitive data for 44,000 individuals prior to separating from employment at the agency.<sup>1</sup> Although the information was apparently downloaded from an agency database inadvertently, the Committee remains concerned about the handling of sensitive agency information and wants to ensure that the FDIC has proper controls in place to prevent further incidents. To assist in the Committee's oversight of this matter, I am writing to request a briefing and information related to the incident.

The Federal Information Security Modernization Act of 2014 (FISMA) directs Executive Branch departments and agencies to report "major" security incidents to Congress within seven days.<sup>2</sup> Because the incident met the Office of Management and Budget's guidelines for classifying an incident as a "major" security breach,<sup>3</sup> the FDIC provided a March 18, 2016 letter and report to the Committee, explaining a recent security incident.<sup>4</sup>

Earlier this year, an FDIC employee who was in the process of separating from agency employment copied personal information onto a personal portable storage device. In the process of loading information onto the storage device, the employee copied sensitive customer data for over 44,000 individuals.<sup>5</sup> When the employee left the FDIC on February 26, 2016, the employee

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<sup>1</sup> Letter from Hon. Martin J. Gruenberg, Chairman, Fed. Deposit Insurance Corp., to Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, & Tech. (Mar. 18, 2016) [hereinafter Letter, Mar. 18, 2016].

<sup>2</sup> Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283.

<sup>3</sup> Memorandum from Shaun Donovan, Dir., Office of Management & Budget to Heads of Executive Departments & Agencies, *Fiscal Year 2015-2016 Guidance on Federal Information Security & Privacy Management Requirements* (Oct. 30, 2015), available at <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-03.pdf> (last visited Apr. 8, 2016).

<sup>4</sup> Letter, Mar. 18, 2016, *supra* note 1.

<sup>5</sup> *Id.*

took the storage device from the premises.<sup>6</sup> Upon learning of the incident three days later, FDIC personnel worked to recover the device.<sup>7</sup> The device was ultimately recovered on March 1, 2016.<sup>8</sup>

As you know, sensitive information that is housed for any length of time without proper measures in place to mitigate cybersecurity risks is susceptible to a breach. Even more troubling, the potential for a breach is especially heightened when sensitive information for over 44,000 individuals is stored without proper security measures. The Committee, therefore, wants to ensure that the FDIC is taking appropriate action to mitigate the risks posed by the security incident, as well as any future cybersecurity risks, in accordance with federal information security requirements.

To assist in the Committee's oversight of the FDIC's response to the security incident, please contact Committee staff by April 15, 2016 to arrange a briefing on the matter. Please also provide the following documents and information as soon as possible, but by no later than noon on April 22, 2016. Unless otherwise noted, please provide the requested information for the time frame from January 1, 2016 to the present:

1. All documents and communications referring or relating to the security incident.
2. A detailed description of the sensitive information copied onto the former FDIC employee's portable storage device.
3. A detailed description of all major security breaches involving FDIC information for the time frame from January 1, 2009 to the present.
4. All documents and communications referring or relating to the FDIC's policies and procedures with respect to safeguarding and handling sensitive information housed on FDIC computer systems.
5. An organizational chart for the Office of the Chief Information Officer and the Office of the Chief Information Security Officer.

The Committee on Science, Space, and Technology has jurisdiction over the National Institute of Standards and Technology which develops cybersecurity standards and guidelines to support the implementation of and compliance with FISMA as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment provides information regarding producing documents to the Committee.

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

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If you have any questions about this request, please contact Lamar Echols or Caroline Ingram at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith  
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member

Enclosure

## **Responding to Committee Document Requests**

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), or PDF files.
  - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. Unless otherwise specified, the time period covered by this request is from January 1, 2016 to the present.
17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive

documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.