



December 12, 2013

**BY ELECTRONIC MAIL AND OVERNIGHT MAIL**

Mr. Daniel Kane  
Director, Office of Acquisition and Grants Management  
Centers for Medicare and Medicaid Services  
5500 Security Boulevard  
Baltimore, Maryland 21244-1850

Re: Congressional Subpoena Concerning Security Testing and Evaluation Information

Dear Mr. Kane:

Your December 6, 2013 letter to Creative Computing Solutions, Inc. (“CCSi”), provided guidelines for responding to “requests from Congress, or any other third party” for security testing and evaluation information. The guidance included a reference to “CMS CLAUSE-11 CMS INFORMATION SECURITY (APR 2008)” requiring CCSi to protect such information from “unauthorized access [and] disclosure, . . . .”

CCSi received a subpoena, dated December 10, 2013, from the House Committee on Oversight and Government Reform requiring the production of documents that would include the type of security and evaluation information that was the subject of your December 6, 2013 letter. A copy of that subpoena is enclosed. For your information, CCSi understands that its subcontractor, Foreground, received a written request for documents from the Committee.

CCSi takes its contractual compliance and customer relations extremely seriously. To that end, CCSi has concluded, after consulting legal counsel, that the enclosed subpoena compels production of the documents requested and, therefore, falls outside the above-referenced contract clause and guidance letter from your office. A validly-issued congressional subpoena compelling the production of documents that are within CCSi’s possession is neither a “request” for documents nor an “unauthorized” disclosure of such documents.

CCSi is a small business with limited resources. Therefore, CCSi would appreciate if any possible dispute regarding CCSi’s production of these documents, including any prior review by CMS or timing of production, be resolved promptly and directly with committee staff. The return date on the subpoena is December 24, 2013 at Noon. Please let CCSi know immediately if your office has any concerns regarding CCSi’s compliance with the subpoena as written.

Sincerely,

A handwritten signature in blue ink that reads 'Maggie Bauer'.

Maggie Bauer  
Senior Vice President

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For more information visit: [www.ccsin.com](http://www.ccsin.com)



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cc: The Honorable Darrell Issa, Chairman  
The Honorable Elijah E. Cummings, Ranking Minority Member

Encls. Dec. 10, 2013 Subpoena

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