

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
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<https://oversight.house.gov>

February 26, 2021

Mr. Mark W. Begor
Chief Executive Officer
Equifax, Inc.
1550 Peachtree Street, N.W.
Atlanta, Georgia 30309

Dear Mr. Begor:

The Subcommittee on Economic and Consumer Policy is requesting documents and information regarding the use by U.S. Immigration and Customs Enforcement (ICE) of Thomson Reuters' CLEAR database and Equifax's sharing of utility data with Thomson Reuters.

Thomson Reuters advertises its CLEAR database as "the most comprehensive utility locator information on the market," with "more than 30 million utility data records (e.g., names, addresses, service information) from more than 80 national and regional electric, cable, gas, and telephone companies." Thomson Reuters has stated that utility records are especially useful for targeting "people who are not easily traceable through traditional sources."¹

The CLEAR database uses detailed information about utility customers provided by Equifax.² Equifax stores and manages a database of utility data containing information for over 217 million unique customers, for a consortium of utility companies called the National Consumer Telecom and Utilities Exchange (NCTUE).³

Under the Trump administration, ICE reportedly paid \$20.6 million for a subscription to CLEAR, beginning on January 19, 2017, through February 28, 2021.⁴ ICE reportedly uses CLEAR's vast array of personal data to surveil and target undocumented immigrants in the

¹ Letter from Kyle Keene, Government Account Executive, Thomson Reuters to Heidi Ortiz, Hidalgo County Sheriff's Office (Apr. 4, 2019) (online at https://agenda.hidalgocounty.us/docs/2019/CC/20190423_3301/69826_CLEAR%20Sole%20Source%20Letter.pdf).

² *Id.*

³ National Consumer Telecom & Utilities Exchange, *About Us* (online at www.nctue.com/about-us) (accessed Feb. 17, 2021).

⁴ USA Spending, *Contract to West Publishing Corporation* (online at www.usaspending.gov/award/CONT_AWD_HSCEMD17F00008_7012_GS02F026DA_4732) (accessed Feb. 11, 2021).

communities in which they live.⁵ Reportedly, some ICE officials continue to deport people—and may be using CLEAR to do that—in defiance of President Biden’s orders.⁶

We are concerned that the commercialization of personal and use data of utility customers and sale of broad access to ICE is an abuse of privacy, and that ICE’s use of this database is an abuse of power. Because CLEAR is a private database, ICE’s access through a subscription appears to evade the federal Privacy Act’s protections governing the federal government’s collection, maintenance, and use of personal information.⁷

To assist the Subcommittee in its oversight of this matter, please provide the following documents and information by March 12, 2021:

1. All contracts between Equifax and:
 - a. NCTUE;
 - b. Thomson Reuters; and
 - c. any other party from which Equifax receives utility information or with which Equifax shares utility information; and
2. A detailed explanation of the following sets of data, including the categories of data and the number of people whose data is being shared:
 - a. all data that Equifax obtains through NCTUE;
 - b. all data that Equifax is sharing with Thomson Reuters; and
 - c. all utility data that Equifax shares with or receives from other parties; and
3. All communications regarding utility information, from the past four years, between Equifax and:
 - a. ICE;
 - b. NCTUE; and
 - c. Thomson Reuters; and
4. All policies and procedures referring or relating to the receipt or sharing of utility information with third parties.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the

⁵ *How ICE Picks Its Targets in the Surveillance Age*, New York Times (Oct. 2, 2019) (online at www.nytimes.com/2019/10/02/magazine/ice-surveillance-deportation.html).

⁶ *ICE Defies Biden, Deports El Paso Massacre Witness, Hundreds of Others*, NBC News (Feb. 2, 2021) (online at www.nbcnews.com/news/latino/ice-defies-biden-deports-el-paso-massacre-witness-hundreds-others-n1256461).

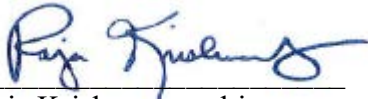
⁷ See 5 U.S.C. § 552a.

Mr. Mark W. Begor

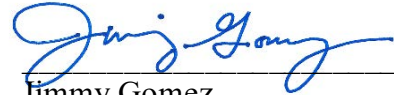
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Committee's request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Raja Krishnamoorthi
Chairman
Subcommittee on Economic
and Consumer Policy



Jimmy Gomez
Vice Chair
Committee on Oversight
and Reform

Enclosure

cc: The Honorable Michael Cloud, Ranking Member
Subcommittee on Economic and Consumer Policy

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents 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. Produce all 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.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF 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.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. 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, zip file, box, or folder is produced, each should contain an index describing its contents.
8. 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.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. 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.
15. 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) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. 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, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. 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.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production 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 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, 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 that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

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, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office 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, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, 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 that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” 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.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.