

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

April 5, 2016

The Honorable Sylvia M. Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Burwell:

On March 25, 2016, a representative from the Department of Health and Human Services (HHS) informed the Committee it was making a notification under the Federal Information Security Modernization Act (FISMA) of a “theft of property” that occurred on February 8, 2016. As reported, the property stolen was a personal laptop used by an employee of the Administration for Children and Families in Olympia, Washington. The laptop was used to conduct Office of Child Support Enforcement audits. Your staff acknowledged that the use of personal equipment is a clear violation of HHS privacy and security policy.

It is unclear why the Department waited nearly two months later to provide Congress with notification under FISMA, which requires notification “not later than 7 days after the date on which there is a reasonable basis to conclude that [a] major incident has occurred.”<sup>1</sup> Further, while your staff stated that HHS was working to determine what information was stored on the personal equipment, news reports state investigators were concerned there was the “‘potential’ of millions of identifying information that may have been on the personal hard drives.”<sup>2</sup>

In light of this, please make representatives with knowledge of this incident available to brief Committee staff no later than Monday, April 11, 2016. This briefing should, at minimum, cover:

- the number of individuals potentially impacted;
- the type of information potentially compromised;
- any HHS databases accessed or potentially accessed; and
- when the Department made the determination to notify Congress under FISMA.

<sup>1</sup> Federal Information Security Modernization Act, 44 U.S.C. §3554.

<sup>2</sup> Matt Markovitch, *Stolen government hard drives could contain personal data*, Komonews.com, March 28, 2016, <http://komonews.com/news/local/stolen-government-hard-drives-could-contain-personal-data>.

The Committee on Oversight and Government 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. Please contact Mike Flynn of the Committee at (202) 225-5074 to discuss this request or the briefing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz".

Jason Chaffetz  
Chairman

A handwritten signature in blue ink, appearing to read "Elijah E. Cummings".

Elijah E. Cummings  
Ranking Member