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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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July 19, 2012

Via Electronic Transmission

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

During the course of a recent investigation, my office was made aware of what appear to be internal files available on the Internet through a publicly accessible server operated by Quality Associates. Quality Associates is a government contractor that archives and stores documents for various government agencies. Included on the server as of Friday afternoon were what appeared to be files for the Department of Homeland Security (DHS). I wanted to make sure that you were aware that these files were publicly available. While nothing in these files appears to be sensitive, sensitive information may have been accessible in the past.

A group of FDA documents available on the server were reported over the weekend by *The New York Times*. Since that report, Quality Associates has removed all documents. However, Quality Associates responded to my inquiry on Monday, July 16, 2012, stating that it had not done anything other than follow its client's directions. This raises questions regarding other contracts that Quality Associates has with federal agencies, such as DHS, and what other internal documents from various agencies were available for public download.

In light of this information, please answer the following questions by August 3, 2012:

- 1) Please provide DHS's contract with Quality Associates, including the total dollar amount of all contracts.
- 2) When contracting with third parties, what requirements does DHS have in place to protect sensitive government information from getting out into the public? What policies are in place at DHS to protect sensitive information entrusted to third party contractors? Please explain in detail.
- 3) Was DHS aware that any of its documents were publicly available from Quality Associates? If so, what actions did DHS take to address this situation?

- 4) How many documents does Quality Associates have access to at the DHS?
- 5) To the extent that internal DHS documents may have been publicly available on the Quality Associates server, how long were such documents available?
- 6) How many other documents in addition to those available Friday, if any, were previously available from the Quality Associates server?
- 7) Have there been privacy breaches in the past associated with Quality Associates?
- 8) Does DHS monitor any employee email accounts with software that captures keystrokes and screen shots? If so, please provide the circumstances surrounding the monitoring and what steps you have taken to ensure that any such monitoring does not capture confidential communications with Congress, the Office of Special Counsel, the Office of Inspector General, or private attorneys.

Thank you in advance for your prompt attention to these matters. Should you have any questions, please contact Brian Downey or Erika Smith of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary