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July 19, 2012

Via Electronic Transmission

The Honorable Francis S. Collins, PhD, MD
Director
National Institutes of Health
U.S. Department of Health and Human Services
One Center Drive
Bethesda, MD 20892

Dear Director Collins:

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 three thousand pages of material from the National Institutes of Health (NIH) National Institute of General Medical Services (NIGMS). Some of this information contained internal NIH emails regarding which entities should receive federal grant monies. I wanted to make sure that you were aware that these documents were publicly available.

Another 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 NIH, 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 NIH's contract with Quality Associates, including the total dollar amount of all contracts.
- 2) When contracting with third parties, what requirements does NIH have in place to protect sensitive government information from getting out into the public?
- 3) What policies are in place at NIH to protect sensitive information entrusted to third party contractors? Please explain in detail.
- 4) Was NIH aware that these documents were publicly available? If so, what actions did NIH take to address this situation?
- 5) How many documents does Quality Associates have access to at the NIH?
- 6) How long were NIH documents publicly available on the Quality Associates server?
- 7) How many other documents in addition to the three thousand available Friday, if any, were previously available from the Quality Associates server?
- 8) Have there been privacy breaches in the past associated with Quality Associates?
- 9) Does the NIH 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