



Congress of the United States  
House of Representatives  
Washington, DC 20515

September 14, 2017

Mr. Richard F. Smith  
Chairman and Chief Executive Officer  
Equifax Inc.  
1550 Peachtree Street NE  
Atlanta, GA 30309

Dear Mr. Smith:

The Committee on Science, Space, and Technology and the Committee on Oversight and Government Reform (“the Committees”) are conducting an investigation into the recent data breach of private consumer information at Equifax. This breach likely affected nearly half of the American population and is one of the largest and most intrusive data breaches in history.<sup>1</sup>

Equifax supports the federal government’s efforts in conducting background checks and security clearances for its workforce, and Equifax’s recent breach potentially exposes federal employees’ personally identifiable information (PII).<sup>2</sup> In 2015, the Office of Personnel Management (OPM) disclosed a major data breach affecting over 22 million individuals.<sup>3</sup> As a result, the Committees conducted oversight and held multiple hearings examining the OPM breach.<sup>4</sup> The Oversight Committee released a majority staff report finding, among other things, the OPM data breach was preventable had OPM “implemented basic, required security controls and more expeditiously deployed cutting edge security tools.”<sup>5</sup> Further, the report found OPM misled Congress and the public to diminish the damage.

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<sup>1</sup> Yashaswini Swamynathan, *Equifax reveals hack that likely exposed data of 143 million customers*, REUTERS, September 7, 2017, available at <http://www.reuters.com/article/us-equifax-cyber/equifax-reveals-hack-that-likely-exposed-data-of-143-million-customers-idUSKCN1B12VK>.

<sup>2</sup> Equifax.com, *Supporting Risk and Analytic Applications in Both the Public and Private Sectors*, available at [http://learn.equifax.com/government/en\\_us](http://learn.equifax.com/government/en_us) (last visited September 8, 2017).

<sup>3</sup> The OPM breach involved 4.2 million former and current federal employee personnel records and 21.5 million individuals’ background investigation records (including federal employees and contractors). There was some overlap in terms of the 4.2 million individuals impacted by the personnel records breach and the 21.5 million impacted by the background investigation breach. The aggregate number of individuals impacted totaled 22.1 million.

<sup>4</sup> *Is the OPM Data Breach the Tip of the Iceberg?: Hearing Before the H. Comm. on Science, Space, & Tech.*, 114th Cong. (July 8, 2015); *OPM: Data Breach: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 114th Cong. (June 16, 2015); *OPM Data Breach: Part II Hearing Before the H. Comm. on Oversight & Gov’t Reform* 114th (June 24, 2015); *Improving Security & Efficiency at OPM & the National Background Investigations Bureau: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 115th Cong. (Feb. 2, 2017).

<sup>5</sup> H. COMM. ON OVERSIGHT AND GOV’T REF. MAJORITY STAFF REPORT, *THE OPM DATA BREACH: HOW THE GOV’T JEOPARDIZED OUR NATIONAL SECURITY FOR MORE THAN A GENERATION* (2016).

Equifax reportedly first learned on July 29, 2017, hackers had been accessing the PII of as many as 143 million American consumers over the prior two months.<sup>6</sup> These personal details included names, Social Security numbers, and driver's license numbers.<sup>7</sup> Yet, it was not until September 7, 2017—nearly six weeks later—Equifax notified the public of the breach.<sup>8</sup> Equifax holds a wealth of PII for tens of millions of Americans, providing credit checks that are a crucial part of the decision making process for home loans, credit cards, and obtaining jobs. When major retailers experience a breach, it is customary for those companies, such as Target or Anthem, to turn to Equifax—one of only three major credit reporting agencies in the country—for credit monitoring and assistance to customers. Similarly, the federal government relies on major credit reporting agencies like Equifax to provide identity verification services. Now, the ability of Equifax to provide such services and secure PII has been called into question.

While the sensitive data stored by Equifax is undoubtedly a target for hackers, Congress has a responsibility to ensure the PII of all Americans is properly protected. The Committee on Science, Space, and Technology is particularly interested in the standards used to secure this data and the Oversight and Government Reform Committee is interested in the implications of this breach for the federal workforce and national security.

To better understand the ramifications of the breach for consumers and the federal government, the delay by Equifax in publicizing the breach, and any mitigating steps being taken by Equifax, the Committees request a briefing by Equifax no later than September 28, 2017.

In addition, please provide the following documents no later than September 28, 2017:

1. All documents and communications referring or relating to the breach(s) of personally identifiable information announced on September 7, 2017, including, but not limited to, documents and communications to and from members of Equifax's corporate leadership;
2. All documents and communications referring or relating to the NIST Framework or other cybersecurity standards used by Equifax;
3. All documents and communications regarding federal contracts for credit and identity verification services and information technology security plans related to these contracts for the last three fiscal years;
4. All documents and communications referring or relating to the website "equifaxsecurity2017.com"; and

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<sup>6</sup> *Swamynathan, supra* note 1.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

5. All documents and communications referring or relating to Equifax's decision to publicize the data breach, the timing thereof, or any intervening actions the company took in response to or relating to the data breach between July 29, 2017, and September 7, 2017.

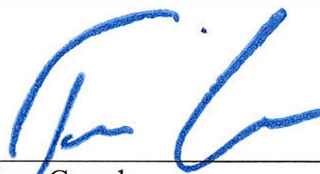
When producing documents to the Committee on Science, Space, and Technology please deliver production sets to the Majority staff in Room 2321 of the Rayburn House Office Building and the Minority staff in Room 394 of the Ford House Office Building. When producing documents to the Committee on Oversight and Government Reform please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional instructions for responding to the Committee's request.

If you have any questions about this request, please contact Drew Colliatie or Tom Connally of the Committee on Science, Space, and Technology at 202-225-6371 and Julie Dunne or Troy Stock of the Committee on Oversight and Government Reform at 202-225-5074. Thank you for your attention.

Sincerely,



Lamar Smith  
Chairman  
Committee on Science, Space,  
and Technology



Trey Gowdy  
Chairman  
Committee on Oversight and  
Government Reform

Enclosure

cc: The Honorable Eddie Bernice Johnson, Ranking Member  
Committee on Science, Space, and Technology

The Honorable Elijah E. Cummings, Ranking Member  
Committee on Oversight and Government Reform

## Responding to Committee Document Requests

1. In complying with this request, you are required to 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. You should also produce 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. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. 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:  
  
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.
6. 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, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. 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.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. 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.
12. 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) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. 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, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. 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.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents 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 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should 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 which 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, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other 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, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, 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 which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” 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.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
115<sup>TH</sup> CONGRESS**

**NOTICE OF APPEARANCE OF COUNSEL**

**Counsel submitting:** \_\_\_\_\_

**Bar number:** \_\_\_\_\_ **State/District of admission:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for \_\_\_\_\_ in (select one):**

**All matters before the Committee**

**The following matters (describe the scope of representation):**

\_\_\_\_\_  
\_\_\_\_\_

**All further notice and copies of papers and other material relevant to this action should be directed to and served upon:**

**Attorney's name:** \_\_\_\_\_

**Attorney's email address:** \_\_\_\_\_

**Firm name (where applicable):** \_\_\_\_\_

**Complete Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

**I agree to notify the Committee within 1 business day of any change in representation.**

\_\_\_\_\_  
**Signature of Attorney**

\_\_\_\_\_  
**Date**