

Congress of the United States
Washington, DC 20515

September 26, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Gowdy and Chairman Smith:

We are writing to request that the Committees convene bipartisan hearings to examine the massive data breach at Equifax, which was “one of the largest and most intrusive breaches in history.”¹

The size, scope, scale, and impacts of this breach are particularly alarming. From May to July, criminals reportedly were able to penetrate Equifax’s systems and gain access to the personal information of approximately 143 million Americans, including “names, Social Security numbers, birth dates, addresses and, in some instances, driver’s license numbers.”² Cyber criminals armed with this information “can apply for loans, housing, utilities, and even government benefits,” as well as “sell this data on the open market to those who will use it for those purposes and perhaps for other crimes we can’t imagine.”³

Equifax admitted in its press release that it did not notify the public immediately about the breach, but allowed about five weeks to pass before disclosing the breach to consumers. It is unclear how long Equifax may have delayed in notifying federal agencies it contracts with, including the Internal Revenue Service and agencies that conduct background checks on current and potential employees.

At a hearing in 2015, when the Oversight Committee was investigating the data breach at the Office of Personnel Management, Chairman Gowdy pressed government witnesses about

¹ *Equifax Says Cyberattack May Have Hit 143 Million Customers*, Bloomberg Technology (Sept. 7, 2017) (online at www.bloomberg.com/news/articles/2017-09-07/equifax-says-cyber-intrusion-affected-143-million-customers).

² *Equifax, Equifax Announces Cybersecurity Incident Involving Consumer Information* (Sept. 7, 2017) (online at <https://investor.equifax.com/news-and-events/news/2017/09-07-2017-213000628>).

³ *How Equifax Hackers Might Use Your Social Security Number to Pretend They’re You*, Washington Post (Sept. 8, 2017) (online at www.washingtonpost.com/news/the-switch/wp/2017/09/08/how-equifax-hackers-might-use-your-social-security-number-to-pretend-theyre-you/?utm_term=.c156624a9dd7).

their failure to immediately notify companies that were performing background investigations for the government, stating: "I guess my question is, why? Why, despite the plain language of the contract and the plain language of the regulation, why did you not immediately notify the contractors?"⁴ The Committees should now ask the same questions of Equifax at a hearing.

A hearing is also in order given that this is not the first time Equifax has been the target of hackers. In 2016, "identity thieves successfully made off with critical W-2 tax and salary data from an Equifax website."⁵ More recently, hackers reportedly obtained access to personal tax information from an Equifax subsidiary, TALX.⁶ These attacks raise serious concerns about what improvements, if any, Equifax made to its systems to reduce the likelihood that it would be hacked again.

In addition, there have been complaints from individuals having difficulty getting through to the call center the company set up in response to the breach.⁷ There have also been complaints that people trying to sign up for the free credit monitoring the company is offering cannot do so unless they first agree to waive their right to sue Equifax.⁸ Even if they agree to this questionable condition, the credit monitoring service Equifax is currently offering "falls short of what consumers really need, because their information can be bought and sold by hackers for years to come."⁹

These issues are critical to millions of Americans who have been affected by this breach. That is why we were disappointed that you chose not to include any of our recommendations when you sent your document request to Equifax last week. As a result, our Committees may not receive these critical documents regarding these topics.

These attacks pose a clear and present danger to our economic and national security, and we believe Congressional action should be bipartisan, comprehensive, and swift.

For all of these reasons, we request that the Committees convene bipartisan hearings on the data security breach at Equifax, which by all accounts appears to be one of the most

⁴ House Committee on Oversight and Government Reform, *Hearings on OPM Data Breach: Part II*, 114th Cong. (June 24, 2015).

⁵ *Equifax Says Cyberattack May Have Affected 143 Million in the U.S.*, New York Times (Sept. 7, 2017) online at www.nytimes.com/2017/09/07/business/equifax-cyberattack.html?mcubz=3).

⁶ *Id.*

⁷ *Equifax Breach Sows Chaos Among 143M Americans*, New York Times (Sept. 8, 2017) (online at www.nytimes.com/aponline/2017/09/08/us/ap-us-equifax-cyberattack.html?mcubz=3).

⁸ *Here Are All The Ways The Equifax Data Breach Is Worse Than You Can Imagine*, Los Angeles Times (Sept. 8, 2017) (online at www.latimes.com/business/hiltzik/la-fi-hiltzik-equifax-breach-20170908-story.html). Equifax reportedly has now added a complicated and time consuming opt-out provision for those seeking to avoid its arbitration requirement. See CNN Tech, *If You Want Help From Equifax, There Are Strings Attached* (Sept. 10, 2017) (online at <http://money.cnn.com/2017/09/08/technology/equifax-monitoring-services/index.html>).

⁹ *Equifax Says Cyberattack May Have Affected 143 Million in the U.S.*, New York Times (Sept. 7, 2017) (online at www.nytimes.com/2017/09/07/business/equifax-cyberattack.html?mcubz=3).

consequential cyberattacks our nation has experienced. Thank you for your consideration of this request.

Sincerely,

Elight E. Tunney

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