# Congress of the United States
## Washington, DC 20515

July 12, 2016

Mr. Austin McChord
Chief Executive Officer
Datto, Inc.
101 Merritt 7, 7th Floor
Norwalk, CT 06851

Dear Mr. McChord:

The House Committee on Science, Space, and Technology and the Senate Committee on Homeland Security and Governmental Affairs are examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. The Committees understand that a product offered by Datto, Inc.—the Datto SIRIS S2000—was purchased in 2013 for Secretary Clinton to provide on-site, immediate recovery of backup data in the event that the primary server failed. We write to reiterate our previous requests for information regarding Datto's role relating to the security of Secretary Clinton's private server and email account.

On July 5, 2016, Federal Bureau of Investigation (FBI) Director James Comey announced the conclusion of the FBI's investigation into Secretary Clinton. While the FBI did not recommend charges against Secretary Clinton, it did identify numerous security concerns regarding Secretary Clinton's use of a private server and email account. Specifically, Director Comey said that "it is possible that hostile actors gained access to Secretary Clinton's personal email account."[1] This finding was based on the fact that "hostile actors gained access to the private commercial email accounts of people with whom Secretary Clinton was in regular contact from her personal account."[2] In addition, Director Comey raised the concern about the possibility that Secretary Clinton's server was hacked because of the fact that her personal email domain was known by a large number of people and "she also used her personal email extensively while outside the United States, including sending and receiving work-related emails in the territory of sophisticated adversaries."[3]

On October 5, 2015, Senator Ron Johnson, chairman of the Senate Homeland Security and Governmental Affairs Committee, wrote to you seeking information about the Datto device used in conjunction with Secretary Clinton's private server. In addition, on January 14, 2016, Congressman Lamar Smith, chairman of the House Committee on Science, Space, and Technology, wrote to you seeking similar information. Datto declined to provide complete responses to the Committees' inquiries, citing that it did not have its client's consent to produce documents or information. Therefore, we are writing to jointly reiterate the previous requests for

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[1] Fed. Bureau of Investigation, Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal Email System (July 5, 2016).
[2] *Id.*
[3] *Id.*

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information and materials that Datto has yet to provide. The information that Committees seek from Datto will offer better insight into the security and data backup capabilities of Secretary Clinton's private server and what potential vulnerabilities to federal records and sensitive information need to be mitigated.

The Committee on Science, Space, and Technology has jurisdiction over the National Institute of Standards and Technology (NIST) which develops cybersecurity standards and guidelines as set forth in House Rule X. The NIST publishes the *Framework for Improving Critical Infrastructure Cybersecurity* (the Framework).[4] The Framework sets industry standards and best practices to help organizations manage cybersecurity risks.[5] The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of Government."[6] Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the effectiveness of present national security methods, staffing and processes…."[7] Because former Secretary Clinton chose to forego using State's official government system, which is governed by strict federal cybersecurity guidelines, the Committees have questions about whether the level of security of Secretary Clinton's private server, email account, and backup devices is comparable to the cybersecurity standards prescribed by the NIST Framework and reiterate our prior requests for information from Datto.

Please provide this information and material as soon as possible, but no later than 5:00 p.m. on July 26, 2016. If Datto does not provide all of the requested materials, the Committees will consider use of the compulsory process.

If you have any questions about this request, please contact Science Committee staff at 202-225-6371 or Homeland Security Committee staff at 202-224-4751. Thank you for your attention to this matter.

Sincerely,

Lamar Smith
Chairman
Committee on Science, Space,
and Technology
U.S. House of Representatives

Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
U.S. Senate

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[4] Nat'l Institute of Standards & Tech., *Framework for Improving Critical Infrastructure Cybersecurity* (Feb. 12, 2014), *available at* http://www.nist.gov/cyberframework/upload/cybersecurity-framework-021214.pdf (last visited Jan. 12, 2016).
[5] *Id.*
[6] S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).
[7] S. Res. 73 § 12, 114th Cong. (2015).

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

The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and Governmental Affairs