

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

October 18, 2017

Brad Smith  
President and Chief Legal Officer  
Microsoft  
One Microsoft Way  
Redmond, WA 98052

Dear Mr. Smith:

I am writing to request that you preserve all records and data relating to any email accounts, domains, servers, or other interactions between your company and Senior Advisor to the President Jared Kushner, Advisor to the President Ivanka Trump, their representatives, or any other members of the Trump Administration.

On September 24, 2017, *Politico* reported that Mr. Kushner and Ms. Trump have been using personal email accounts to communicate with senior White House officials and others about government business, and that they set up a private family domain on a nongovernmental server for personal email use shortly before Donald Trump was sworn in as President.<sup>1</sup>

In response to this report, Mr. Kushner's attorney admitted that Mr. Kushner sent and received official emails on his personal email account "from January through August."<sup>2</sup>

The next day, on September 25, 2017, the *New York Times* reported that at least six senior White House officials, including the former Chief of Staff and the former Chief White House Strategist, had used private email accounts for official business.<sup>3</sup>

On October 2, 2017, *Politico* reported that a third email address shared by Mr. Kushner, Ms. Trump, and their personal household staff received "[h]undreds of emails" from official White House email accounts since January.<sup>4</sup>

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<sup>1</sup> *Kushner Used Private Email to Conduct White House Business*, *Politico* (Sept. 24, 2017) (online at [www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071](http://www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071)).

<sup>2</sup> *Kushner Used Personal Email Account for Government Business*, *New York Times* (Sept. 24, 2017) (online at [www.nytimes.com/2017/09/24/us/politics/kushner-personal-email.html](http://www.nytimes.com/2017/09/24/us/politics/kushner-personal-email.html)).

<sup>3</sup> *At Least 6 White House Advisors Used Private Email Accounts*, *New York Times* (Sept. 25, 2017) (online at [www.nytimes.com/2017/09/25/us/politics/private-email-trump-kushner-bannon.html](http://www.nytimes.com/2017/09/25/us/politics/private-email-trump-kushner-bannon.html)).

<sup>4</sup> *Hundreds of White House Emails Sent to Third Kushner Family Account*, *Politico* (Oct. 2, 2017) (online

On October 3, 2017, *USA Today* reported that “Jared Kushner and Ivanka Trump moved their personal email accounts to computers run by the Trump Organization.”<sup>5</sup> As this report stated:

According to internet registration records reviewed by USA TODAY and cybersecurity researchers, Kushner and his wife Ivanka Trump, who is also a senior adviser, re-routed their email accounts to a server operated by the Trump Organization on either Sept. 26 or 27, as attention from the media and lawmakers intensified.<sup>6</sup>

Since 2014, Microsoft has had a partnership with GoDaddy providing subscription access to Office 365 for GoDaddy users.<sup>7</sup> According to news reports, “the couple appears to access email through this account using a private Office 365 account.”<sup>8</sup> The online records for these emails accounts also state that the email service provider is Office 365.<sup>9</sup>

I request that you preserve all records and copies of records in your custody or control and that you provide the information requested below. Your actions in response to the preservation request and the information you provide in response to this letter will help determine the next steps in this investigation.

This letter requests that you preserve all documents, communications, and other data (“records”) that may be required for this Committee’s oversight and investigative duties. The term “records” is broad and includes log files and metadata. For purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, including emails, as well as negligent or intentional handling which would foreseeably make such records incomplete or inaccessible. Specifically, you should:

1. exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such records that they are to be preserved;

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at [www.politico.com/story/2017/10/02/jared-kushner-email-account-white-house-243389](http://www.politico.com/story/2017/10/02/jared-kushner-email-account-white-house-243389)).

<sup>5</sup> *Exclusive: Jared Kushner’s Personal Email Moved to Trump Organization Computers Amid Public Scrutiny*, USA Today (Oct. 3, 2017) (online at [www.usatoday.com/story/news/politics/2017/10/03/exclusive-jared-kushners-personal-email-moved-trump-organization-computers-amid-public-scrutiny/728467001/](http://www.usatoday.com/story/news/politics/2017/10/03/exclusive-jared-kushners-personal-email-moved-trump-organization-computers-amid-public-scrutiny/728467001/)).

<sup>6</sup> *Id.*

<sup>7</sup> *Microsoft Partners with GoDaddy to Bring Office 365 to More Small Businesses*, TechCrunch (Jan. 13, 2014) (online at <https://techcrunch.com/2014/01/13/microsoft-partners-with-godaddy-to-bring-office-365-to-more-small-businesses/>).

<sup>8</sup> *Ivanka Trump, Jared Kushner Have Secret Email Account Hosted By Trump Organization*, Newsweek (Oct. 3, 2017) (online at [www.newsweek.com/ivanka-trump-jared-kushner-third-secret-email-trump-organization-676603](http://www.newsweek.com/ivanka-trump-jared-kushner-third-secret-email-trump-organization-676603)).

<sup>9</sup> MX Toolbox Lookup for IJKFamily.com (accessed Oct. 16, 2017) (online at <https://mxtoolbox.com/archive/?actionstring=mx:ijkfamily.com>).

2. exercise reasonable efforts to identify, recover, and preserve any records which have been deleted or marked for deletion but are still recoverable; and
3. if it is the routine practice of any employee or contractor to destroy or otherwise alter such records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

In addition, I request that you provide a briefing by October 27, 2017, to address the following questions:

1. Did Ms. Trump, Mr. Kushner, their representatives, or others within the Trump Administration set up personal email accounts with your service? If so, when did this occur, who was involved, and what service did each individual use?
2. What is the location, make, and model of the servers in which these systems or accounts are or were hosted?
3. What is the retention policy for the email accounts associated with these servers and accounts?
4. What is the length of time that these servers retain and overwrite data including but not limited to emails, documents, files, metadata, and databases?
5. What security features are, or any point were, installed on server hardware, software, and firmware that supports or supported these systems and accounts?
6. What is the network security history of these servers?
7. Which individuals or entities had or have physical or virtual access to these servers, systems and accounts?
8. What is the history of security options and features that are, or any point were, active or inactive on these systems and accounts?
9. What are the security features on the network that detect and log irregular or abnormal activity?
10. How does the network monitor and record credential histories and notify users, security officials, or network administrators of irregular or abnormal activity?
11. Were email accounts associated with Ms. Trump, Mr. Kushner, or others transferred from Microsoft to the Trump Organization? If so, when did this occur, why was it done, and who was involved?

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12. What actions have been taken over the past year relating to transferring, "porting," or re-routing data relating to these systems and accounts?

Please contact Susanne Grooms of my staff at (202) 225-5051 to arrange this briefing as soon as possible. Thank you for your cooperation with this request.

Sincerely,



Elijah E. Cummings  
Ranking Member

cc: The Honorable Trey Gowdy, Chairman