

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
HEALTH, EDUCATION,
LABOR, AND PENSIONS
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

September 15, 2016

The Honorable Robert A. McDonald
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

Dear Mr. McDonald:

In April 2015, a Wisconsin Department of Veterans Affairs employee, using a federal VA.gov address, shared personally identifiable information (PII) via email with an unaccredited individual. As a result, 638 veterans' Social Security numbers were shared with an unauthorized person, putting these veterans and their families at risk of fraud and identity theft.

Following this unintended disclosure, I called on the VA Office of Inspector General (OIG) to investigate this breach. I also requested that PII process and protocols at the Department of Veterans Affairs (VA) be examined and evaluated.

As a result of my request, the VA OIG found that this incident occurred due to inadequate processes and a lack of information security controls in place at the VA. The OIG also found the VA continues to not be in full compliance with federal law regarding federal information security procedures and protocols with third-party organizations.

The OIG recommended four steps that could be taken to safeguard veterans' PII, including:

- improving VA email security filtering technology controls,
- establishing formal agreements with third-party organizations,
- evaluating whether permanent encryption controls for non-VA employees with VA email accounts are needed, and
- conducting reviews of VA Regional Office collaborations with third-party organizations.

While I am pleased the VA has taken steps to improve its email security filtering software controls to help flag the improper transmission of veterans' PII, I am very concerned that the VA did not concur with the three additional findings. Most notably, one recommendation finds that the VA is not in full compliance with federal law.

As noted by the VA OIG recommendations, the *Federal Information Security Modernization Act* requires the VA to implement National Institute of Standards and Technology (NIST) guidance and standards. Notably, NIST guidance states that if an organization shares PII, the organization should establish formal agreements with third-party organizations on how that information is

managed and the necessary security controls that are required on VA networks. The unwillingness of the VA to implement memorandums of understanding defining network responsibilities, processes, and procedures for handling federal information on federal networks with third-party organizations is in not in full compliance with the law. The VA must comply with this law designed to keep veterans' PII safe, as well as to ensure the integrity of the entire federal network. The remaining recommendations are common-sense reforms that would ensure that emails sent on a VA network are encrypted to further secure veteran information. Additionally, I find it prudent that the VA assess the security protocols in place at VA regional offices to ensure that the controls in place are being followed and are functioning in a way that actually protects veterans' PII.

Finally, I remain concerned that our veterans' social security numbers are still being utilized as the main identifier for veterans within the Veterans Benefits Administration. That is why I introduced bipartisan legislation, the *Veterans Identity Theft Protection Act*, to require the VA to discontinue using social security numbers to identify veterans within VA information systems. Our veterans should never be put at risk of identity theft with information they have entrusted to the VA and the surest way that veterans' PII stays out of the hands of criminals is to discontinue using them as the common identifier at VA. It is too easy for this information to be leaked or stolen and it would be in the best interest of our nation's veterans for the VA to implement systems that protect that information in the most comprehensive ways possible.

Sincerely,



Tammy Baldwin
United States Senator