

Request for Information Pursuant to 5 U.S.C. § 7114

The Union requests the following information pursuant to 5 U.S.C. § 7114 and pursuant to Article 25 Section 8 of the CBA between the parties. Please provide the requested information in un-redacted and un-sanitized form to the extent possible. The items in this Request for Information should be construed liberally. If any ambiguity is perceived, please contact the Union's Appointed Counsel to resolve any questions.

The Union requests that the information requested be furnished within a reasonable time, not to exceed 20 calendar days, and at least two days before the grievance meeting. If this Request for Information or any part of it is denied, please state in writing the name, position, title, and grade of the official making the decision, and the statutory, regulatory, or contractual authority upon which the denial is based.

I. GENERAL STATEMENT OF PARTICULARIZED NEED

The Union believes that the Agency violated the Privacy Act, 5 U.S.C. § 552a, *et seq.*, the Federal Information Security Management Act, 44 U.S.C. §§ 3541 *et seq.*, the Administrative Procedures Act, 5 U.S.C. § 701 *et seq.*, the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, OPM and DOI regulations, and the CBA, including but not limited to CBA Article 2 Section 1 (“In the administration of all matters covered by this agreement, the Parties are governed by Federal Law, Government-wide rules or regulations in effect upon the effective date of this Agreement, and Government-wide rules and regulations issued after the effective date of this Agreement that do not Conflict with this Agreement.”). The Union alleges that the Agency has also acted with gross negligence in the manner in which it gathered, stored, and failed to secure its employees’ information.

The Union needs the requested information to establish the facts pertinent to the Grievance. The information will be used in preparation for the Grievance meeting, in settlement negotiations, in mediation, in preparation for grievance Arbitration, and as evidence in the grievance arbitration. Moreover, the requested information will enable the Union to ascertain the exact timing and extent of the violations alleged in the Grievance.

II. REQUESTED INFORMATION

1. The date(s) upon which the security breach(es) announced in June 2015 affecting millions of federal employees occurred (referred to herein as the 2015 Breach).

Particularized Need: This information is needed to assess the length of time Bargaining Unit Employees’ (BUEs’) private information has been compromised.

2. A list of all individuals that are FISE BUEs employed by the Agency as of the date of the 2015 Breach for whom any information was hacked, stolen, breached, accessed, viewed, or otherwise compromised in the 2015 Breach. Please include the last name, first name, Position title, grade, step, email address, business telephone number, and

business address, and all items of information that were hacked, stolen, breached, accessed, viewed, or otherwise compromised in the 2015 Breach for each BUE. The information requested should be provided electronically, in Excel format.

Particularized Need: This information is needed to assess which BUEs were affected and the extent to which they were affected.

3. All memoranda of understanding, intergovernmental agreements, contracts, or other agreements between the Agency and any other agency, including OPM, that mention the collection, storing, or securing of employees' personal information.

Particularized Need: The Union believes the Agency, along with other agencies that had BUEs' personal information and personnel information, violated their own protocols, regulations, and procedures with respect to the BUEs' personal information. This information will enable the Union to prove its allegations.

4. All contracts between the Agency or any other federal government agencies, and private parties that mention the collection, storing, or securing of employees' personal information.

Particularized Need: The Union believes the Agency, along with other agencies that had BUEs' personal information and personnel information, violated their own protocols, regulations, and procedures with respect to the BUEs' personal information. In particular, the Agency and other agencies did not maintain best practices with respect to performance of their contractors. This information will enable the Union to prove its allegations.

5. All contracts between the Agency or any other federal government agencies, and private parties that mention network, computer, database, or data security.

Particularized Need: The Union believes the Agency, along with other agencies that had BUEs' personal information and personnel information, violated their own protocols, regulations, and procedures with respect to the BUEs' personal information. In particular, the Agency and other agencies did not maintain best practices with respect to performance of their contractors. This information will enable the Union to prove its allegations.

6. All procedures and policies related to the recruitment, hiring, and on-boarding of new personnel with the Agency, including but not limited to application materials, security clearance requirements, procedures for gathering banking information for the direct deposit of wages, and procedures for applicants and employees to provide identification and establish permission to work or qualification for preferences.

Particularized Need: The Union believes that the Agency and OPM have not been forthcoming in the amount of BUEs' personal information lost in the 2015 breach incident. This information will enable the union to determine what personal

information the Agency gathers from prospective employees and employees, all of which information may have been compromised.

7. All communications between the OPM and the Agency regarding the collection, storing, or securing of employees' personal information, dating back to 2007.

Particularized Need: The Union believes that the Agency and the OPM were on notice of deficiencies in security and failed to protect employees' personal information. This information will assist the Union in proving such allegations.

8. All Audit reports or other audit documents related to the security of networks and computer systems at the Agency and the OPM.

Particularized Need: The Union believes that the Agency and the OPM were on notice of deficiencies in security and failed to protect employees' personal information. This information will assist the Union in proving such allegations.

9. All communications the Agency has sent or received regarding the 2015 breach incident. Communications include letters, electronic mail (e-mail) messages, faxes, memoranda, audio or video recordings, or notices of any kind. With respect to any mass communications, one representative example of each and every mass communication will be sufficient.

Particularized Need: The Union believes that the Agency has not been forthcoming about the timing and extent of the breach incident, or about its own knowledge of the incident. This information will enable the Union to prove these allegations from the Grievance.

10. All communications between the Agency and non-governmental entities, including contractors, consultants, and agents, mentioning the 2015 breach incident.

Particularized Need: The Union believes that many aspects of the Agency's computer and networking security are handled or assisted by contractors or other outside entities. The Agency violated the above-mentioned federal laws and CBA provisions through its own actions and omissions and through the actions and omissions of contractors or other outside entities. This information will enable the Union to prove these allegations, which directly relate to the Grievance.

11. All steps taken since the 2015 Breach Incident to prevent further breach incidents.

Particularized Need: This information will enable the Union to prove at what point in time, if at all, steps were taken to secure employees' information and stop further unauthorized access and acquisition. This information will also help establish the extent of the damage the BUEs have incurred.

12. Any and all names of individuals responsible for the protection of Agency employees' personal and personnel information.

Particularized Need: This information is necessary to enable the Union to establish the identity of those individuals who were responsible for breaching the various legal duties set forth in the Grievance and to assess the extent of those breaches.