

Congress of the United States
Washington, DC 20515

April 14, 2022

Mr. Blake Hall
Chief Executive Officer
ID.me
8261 Greensboro Drive, Suite 600
McLean, VA 22102

Dear Mr. Hall:

The Oversight Committee has long expressed concerns over facial recognition technology, including the potential that it could be used to discriminate against certain groups, such as people of color and women.¹ The Select Subcommittee on the Coronavirus Crisis is focused on the effectiveness, efficiency, and equity of our nation’s response to the pandemic. Both Committees have serious concerns about the efficacy, privacy, and security of ID.me’s technology—which you described as “complex and problematic”—being used to verify the identities of millions of Americans seeking to access essential government services. We are therefore writing to request documents and information on ID.me’s contracts with public sector entities—which have rapidly expanded to include 10 federal agencies and 30 state governments—for use of facial recognition technology.

Concerns Over ID.me’s Government Contracts and Technology

Numerous reports have raised concerns about ID.me’s performance on government contracts and the effectiveness of its products and services. ID.me’s users have reported long wait times to verify identities, ranging from hours to weeks, as well as other roadblocks that have led to denied benefits.² As discussed below, users have also reported significant delays in reaching the company’s “trusted referees,” who facilitate identification when the automated

¹ See Committee on Oversight and Reform, *Hearing on Facial Recognition Technology (Part I): It’s Impact on Our Civil Rights and Liberties* (May 22, 2019) (online at <https://oversight.house.gov/legislation/hearings/facial-recognition-technology-part-1-its-impact-on-our-civil-rights-and>); Committee on Oversight and Reform, *Hearing on Facial Recognition Technology (Part II): Ensuring Transparency in Government Use* (June 4, 2019) (online at <https://oversight.house.gov/legislation/hearings/facial-recognition-technology-part-ii-ensuring-transparency-in-government-use>); Committee on Oversight and Reform, *Hearing on Facial Recognition Technology (Part III): Ensuring Commercial Transparency and Accuracy* (Jan. 15, 2020) (online at <https://oversight.house.gov/legislation/hearings/facial-recognition-technology-part-iii-ensuring-commercial-transparency>).

² *Facial Recognition Failures Are Locking People Out of Unemployment Systems*, Vice (June 18, 2021) (online at www.vice.com/en/article/5dbywn/facial-recognition-failures-are-locking-people-out-of-unemployment-systems).

technology cannot verify an identity. These delays have blocked access to essential government services and benefits, such as state unemployment benefits and federal taxpayer services.³

ID.me has also reportedly misrepresented how its facial recognition technology works. ID.me initially claimed that it does not rely on a controversial, unreliable method of identity verification called “one-to-many” verification. One-to-many verification uses an algorithm to match faces to a large database, and is widely considered to be unreliable because it relies on comparison to biometric data captured and retained from external databases.⁴ In contrast, a “one-to-one” facial recognition verifies that a person matches their own photo and is considered to be more reliable than one-to-many matches.⁵ In a January 24, 2022, ID.me press release, you stated, “ID.me does not use 1:many facial recognition, which is more complex and problematic.”⁶

However, two days later, a report emerged describing leaked company messages that appeared to show an ID.me engineer raising concerns within the company about ID.me’s “one-to-many” methodology. The engineer reportedly “explicitly discussed” using a one-to-many matching with Internal Revenue Service (IRS) officials discussing the agency’s contract for facial recognition technology. The engineer reportedly told colleagues, “This seems like it could be troublesome.”⁷

In response to these revelations, you retracted your earlier claim, stating: “ID.me uses a specific ‘1 to Many’ check on selfies tied to government programs targeted by organized crime to prevent prolific identity thieves and members of organized crime from stealing the identities of innocent victims en masse.”⁸ However, it is unclear what databases ID.me uses for its “one-to-many” fraud verification and how effective this system is. ID.me also appears to be seeking to downplay the connection between its facial recognition technology and one-to-many verification by rebranding its technology as “Duplicate Face Detection System.” However,

³ *Facial Recognition Systems Are Denying Unemployment Benefits Across the US*, Engadget (June 19, 2021) (online at www.engadget.com/facial-recognition-failures-id-me-unemployment-benefits-172654494.html).

⁴ National Institute of Standards and Technology, *Face Recognition Vendor Test (FRVT) Part 2: Identification* (Feb. 2022) (NIST Interagency Report 8271) (online at https://pages.nist.gov/frvt/reports/1N/frvt_1N_report.pdf).

⁵ Partnership on AI, *Understanding Facial Recognition Systems* (Feb. 19, 2020) (online at https://partnershiponai.org/wp-content/uploads/2021/08/Understanding-Facial-Recognition-Paper_final.pdf).

⁶ ID.me, *Press Release: ID.me Comments on Adherence to Federal Rules on Facial Recognition “Selfies” that Protect Identities from Theft* (Jan. 24, 2022) (online at <https://insights.id.me/press-releases/id-me-comments-on-adherence-to-federal-rules-on-facial-recognition-selfies-that-protect-identities-from-theft/>).

⁷ *ID.me CEO Backtracks on Claims Company Doesn’t Use Powerful Facial Recognition Tech*, CyberScoop (Jan. 26, 2022) (online at www.cyberscoop.com/id-me-ceo-backtracks-on-claims-company-doesnt-use-powerful-facial-recognition-tech/).

⁸ *Id.*; Blake Hall, *LinkedIn Profile* (Jan. 24, 2022) (online at www.linkedin.com/feed/update/urn:li:activity:6892131524746326016/).

experts have observed that one-to-many technology and “Duplicate Face Detection System” share the same technical definitions.⁹

The Committees agree with your company’s assessment that one-to-many facial recognition technology is “complex and problematic.”¹⁰ Studies have shown that African American or Asian women were up to 100 times more likely than white men to be misidentified by a one-to-many facial recognition system.¹¹ Although ID.me has claimed its internal testing revealed no statistical difference in matching accuracy amongst demographics, ID.me has not made its evidence available for public review.¹²

The Oversight Committee’s Oversight of ID.me’s IRS Contracts

Earlier this year, following reports that the IRS would soon require users accessing certain services to enroll in ID.me for identity verification, the Oversight Committee launched an inquiry into IRS’s use of ID.me technology. As part of its inquiry, the Oversight Committee learned that nearly seven million Americans had already turned over their biometric data to ID.me and IRS.¹³

Days after briefing Oversight Committee staff on the ID.me contract, IRS announced it would transition away from the use of third-party facial recognition tools to verify users.¹⁴ On February 11, 2022, the Committee wrote to IRS requesting documents and information and

⁹ *Documents Shed Light on ID.me’s Messaging to States About Powerful Facial Recognition Tech*, CyberScoop (Feb. 18, 2022) (online www.cyberscoop.com/id-me-aclu-oregon-states-messaging-facial-recognition/); ID.me, *Threat Intelligence Memorandum* (Feb. 20, 2021) (online at [Error! Hyperlink reference not valid. www.aclu.org/sites/default/files/field_document/oregon_-_id-me-threat_intelligence_memoandum_2.20.2021.pdf](http://www.aclu.org/sites/default/files/field_document/oregon_-_id-me-threat_intelligence_memoandum_2.20.2021.pdf)).

¹⁰ ID.me, *Press Release: ID.me Comments on Adherence to Federal Rules on Facial Recognition “Selfies” that Protect Identities from Theft* (Jan. 24, 2022) (online at <https://insights.id.me/press-releases/id-me-comments-on-adherence-to-federal-rules-on-facial-recognition-selfies-that-protect-identities-from-theft/>).

¹¹ National Institute of Standards and Technology, *Ongoing Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (NIST Interagency Report 8280) (Dec. 19, 2019) (online at <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>); *Federal Study Confirms Racial Bias of Many Facial Recognition Systems, Casts Doubt on Their Expanding Use*, Washington Post (Dec. 19, 2022) (online at www.washingtonpost.com/technology/2019/12/19/federal-study-confirms-racial-bias-many-facial-recognition-systems-casts-doubt-their-expanding-use/).

¹² ID.me, *Press Release: ID.me Comments on Adherence to Federal Rules on Facial Recognition “Selfies” that Protect Identities from Theft* (Jan. 24, 2022) (online at <https://insights.id.me/press-releases/id-me-comments-on-adherence-to-federal-rules-on-facial-recognition-selfies-that-protect-identities-from-theft/>).

¹³ Committee on Oversight and Reform, *Press Release: Following Committee Briefing with IRS, Chairwoman Maloney Presses for Information on ID.me Collecting Data of Nearly 7 Million Americans* (Feb. 11, 2022) (online at <https://oversight.house.gov/news/press-releases/following-committee-briefing-with-irs-chairwoman-maloney-presses-for-information>).

¹⁴ Internal Revenue Service, *Press Release: IRS Announces Transition Away from Use of Third-Party Verification Involving Facial Recognition* (Feb. 7, 2022) (online at www.irs.gov/newsroom/irs-announces-transition-away-from-use-of-third-party-verification-involving-facial-recognition).

raising concerns over the status of IRS’s \$86 million contract and the security and privacy of reams of biometric information that ID.me already collected from millions of users.

In response to the Oversight Committee’s request, IRS announced that it had modified the contract so that as of February 17, 2022—six days after the Committee sent its request letter—ID.me would be required to “destroy all biometric selfies, selfie videos, and video recordings of users it had already received by March 11, 2022,” and that ID.me would delete “video selfie and live video chat recordings” going forward. In addition, IRS stated that “ID.me must provide a quarterly self-declaration confirming all biometric data (including selfies, liveness detection recordings, and associated data) and recorded remote live chat sessions have been deleted.”¹⁵

However, IRS did not indicate any current plans to cancel the ID.me contract or recoup any of the \$86 million already spent for ID.me’s licenses. Instead, it appears that IRS will continue to rely on ID.me for identity verification technology while “IRS is urgently working with GSA to resolve problems that prevent Login.gov from meeting the IRS’s needs.” IRS has indicated it will provide users with an “opt-out” for the video selfie and facial recognition technology.¹⁶ It also appears that ID.me will continue to collect and retain biometric information that is not subject to the new retention requirements, including the biometric selfies. IRS further disclosed that ID.me will be permitted to continue to retain all biometric data that has been identified as being suspicious or potentially fraudulent.¹⁷ This is concerning, given the large volume of data that ID.me regularly misidentifies as fraudulent.¹⁸

IRS’s modified contract with ID.me also states that “ID.me will stop the ‘One to Many’ fraud check in all authentication processes.” However, it is not clear whether this applies to the fraud detection system that utilizes government databases, raising continued concerns about denial of access to essential services.¹⁹

ID.me’s Role in Verifying Identities for Pandemic Unemployment Assistance

The Committees are also concerned that ID.me’s performance failures and technological requirements may have undermined the effectiveness, efficiency, and equity of pandemic-related unemployment assistance programs, which Congress established in 2020 to help millions of jobless Americans afford food, medicine, and housing during the sharp economic downturn

¹⁵ Letter and Enclosure from Commissioner Charles P. Rettig, Internal Revenue Service, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Mar. 2, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/IRS.220302.%20Response%20to%20CBM%20re%20Facial%20Recognition%20Technology%20FINAL%20V2.pdf>).

¹⁶ *Id.*

¹⁷ Internal Revenue Service, 2032H5-21-F-00420-M0004 *Statement of Work – ID.me 2-25-2022 Redacted* (Mar. 2, 2022).

¹⁸ *Facial Recognition Failures Are Locking People Out of Unemployment Systems*, Vice (June 18, 2021) (online at www.vice.com/en/article/5dbywn/facial-recognition-failures-are-locking-people-out-of-unemployment-systems).

¹⁹ Internal Revenue Service, 2032H5-21-F-00420-M0004 *Statement of Work – ID.me 2-25-2022 Redacted* (Mar. 2, 2022).

caused by the public health crisis.²⁰ Charged with implementing new programs to meet unprecedented need, more than half of U.S. states contracted with ID.me to streamline application processing and prevent potential fraud.²¹ Unfortunately, it does not appear that these states and their unemployed residents were well served by ID.me's products.

Under difficult circumstances where assistance was needed expeditiously, disbursement delays caused by ID.me's products were common. Applicants in Colorado, for example, reportedly faced up to ten hour waits for help with the company's verification process. Applicants in Nevada reported spending seven to eight hours per day waiting for ID.me support, only to be disconnected when they reached the end of the line.²² Applicants in Florida reported being locked out of their unemployment accounts for up to six weeks, with bills piling up in the interim.²³ In some cases, people who were already collecting unemployment insurance saw their payments suddenly frozen after ID.me's rollout in their states, including 1.4 million accounts in California in January of 2021.²⁴

The ID.me process creates disproportionate obstacles for older individuals who may face challenges using new technology, residents of rural and low-income areas without high-speed internet access, and households that share technological devices for school, remote work, or job hunting. Even without factoring in burdensome wait times, ID.me's requirements that applicants use email addresses and smartphone cameras may have barred Americans who lacked those resources from assistance. Many individuals with low incomes, who need support urgently when they lose employment, cannot afford the necessary devices in the first place.²⁵ As of 2021, approximately 15% of American adults did not own a smart phone, and 23% did not own a desktop or laptop computer.²⁶

²⁰ *Unemployment Soars to 14.7%, Job Losses Reach 20.5 Million in April as Coronavirus Pandemic Spreads*, USA Today (May 8, 2020) (online at www.usatoday.com/story/money/2020/05/08/april-jobs-reports-20-5-m-become-unemployed-covid-19-spreads/3090664001/); Center on Budget and Policy Priorities, *Tracking the COVID-19 Economy's Effects on Food, Housing, and Employment Hardships* (Feb. 10, 2022) (online at www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-economys-effects-on-food-housing-and).

²¹ *Factbox: States Using ID.me, Rival Identity Check Tools for Jobless Claims*, Reuters (July 22, 2021) (online at www.reuters.com/business/states-using-idme-rival-identity-check-tools-jobless-claims-2021-07-22/).

²² *DETR "Working with ID.me" to Decrease Unemployment Verification Wait Times*, News4 (Apr. 7, 2021) (online at <https://mynews4.com/news/local/detr-working-with-idme-to-decrease-unemployment-verification-wait-times>).

²³ *Unemployment Accounts Still Locked for Hundreds Across Florida*, Fox4 (May 4, 2021) (online at www.fox4now.com/rebound/unemployment-accounts-still-locked-for-hundreds-across-florida).

²⁴ *No Internet, No Unemployment: Solving This ID.me Glitch Took Two Months and A Journey Across the Rural Front Range*, CPR News (July 7, 2021) (online at www.cpr.org/2021/07/07/colorado-unemployment-idme-glitch-internet-access/); *EDD Verification Delayed by Long Waits for ID.me*, ABC10 (Jan. 15, 2021) (online at www.abc10.com/article/money/edd-verification-id-me-delay/103-b3a5de8e-9150-464f-9020-7fff939b9b17).

²⁵ *ID.me CEO: 6 Hour Wait Times for Unemployment Identity Verification Should Decrease in 2 Weeks*, CBS Denver (Apr. 14, 2021) (online at <https://denver.cbslocal.com/2021/04/14/colorado-id-me-unemployment-verification/>).

²⁶ Pew Research Center, *Mobile Fact Sheet* (Apr. 7, 2021) (online at www.pewresearch.org/internet/fact-sheet/mobile/).

The Committees are also concerned that you have made extraordinary claims about unemployment fraud that appear to directly benefit your company. In June 2021, *Axios* reported: “Blake Hall, CEO of ID.me, a service that tries to prevent this kind of fraud, tells Axios that America has lost more than \$400 billion to fraudulent claims. As much as 50% of all unemployment monies might have been stolen, he says.”²⁷ Our Committees take the need to prevent fraud in government programs, including unemployment assistance, extremely seriously. However, your estimate far exceeds fraud figures from state governments and federal agencies. According to a recent analysis by Bloomberg Businessweek, “with the benefit of time, data, and a little interrogation,” your claim “looks increasingly hyperbolic.”²⁸ You have not provided a clear description of how ID.me reached its estimate.²⁹

ID.me has benefited substantially from government efforts to prevent unemployment fraud, even as your services appear to have prevented many Americans from accessing unemployment assistance for which they are eligible. Less than two months after you made an initial public estimate of \$100 billion in unemployment fraud in February 2021, ID.me announced that it had raised \$100 million in funding from investors, and had increased the number of states it was partnering with from 15 to 22.³⁰ A few months after you provided your \$400 billion estimate to *Axios*, ID.me announced its receipt of yet another nine-figure round of financing and a \$1.5 billion valuation due to the company’s “rapid growth,” in which it had “expanded or entered into new partnerships with 6 federal agencies and 27 states.”³¹ Just as taxpayer dollars must be shielded from fraudulent actors, they must be protected from private companies that may seek to pad their profits while providing inadequate services.

²⁷ *Half of The Pandemic’s Unemployment Money May Have Been Stolen*, Axios (June 10, 2021) (online at www.axios.com/pandemic-unemployment-fraud-benefits-stolen-a937ad9d-0973-4aad-814f-4ca47b72f67f.html).

²⁸ *How Did ID.me Get Between You and Your Identity?*, Bloomberg (Jan. 20, 2022) (online at www.bloomberg.com/news/features/2022-01-20/cybersecurity-company-id-me-is-becoming-government-s-digital-gatekeeper).

²⁹ ID.me’s most detailed statement on this subject, titled *Calculating the Road to Losing \$400 Billion Dollars*, does not in fact describe ID.me’s inputs and calculations. ID.me, *Calculating the Road to Losing \$400 Billion Dollars* (Jan. 20, 2022) (online at <https://insights.id.me/viewpoint/calculating-the-road-to-losing-400-billion-dollars>).

³⁰ *Unemployment Fraud Costs States Billions, But Oregon Provides Few Details*, KATU ABC 2 (Feb. 1, 2021) (online at <https://katu.com/news/following-the-money/unemployment-fraud-costs-states-billions-but-oregon-provides-few-details>); *Press Release: ID.me Raises \$100 Million in Funding at \$1.5 Billion Valuation to Build the Identity Layer of the Internet*, PRNewswire (Mar. 22, 2021) (online at www.prnewswire.com/news-releases/idme-raises-100-million-in-funding-at-1-5-billion-valuation-to-build-the-identity-layer-of-the-internet-301252642.html).

³¹ ID.me, *Press Release: ID.me Secures \$100 Million from Fortress to Support Record Growth* (Sept. 15, 2021) (online at <https://insights.id.me/press-releases/id-me-secures-100-million-from-fortress-to-support-record-growth-and-advance-vision-to-build-the-identity-layer-of-the-internet/>). ID.me published *Axios*’ report on its own news page alongside ID.me’s press releases. ID.me, *Half of the Pandemic’s Unemployment Money May Have Been Stolen* (July 26, 2021) (online at <https://insights.id.me/news/half-of-the-pandemics-unemployment-fraud-benefits-stolen/>).

Document and Information Requests

If ID.me is to continue working with federal agencies and state governments, it is vital to ensure the proper safeguards are in place to protect Americans' personal information and ensure their access to benefits for which they are eligible. The Committees therefore request that you provide the following documents and information by April 28, 2022:

1. A detailed list of all federal, state, and local government contracts under which ID.me has provided biometric authentication from 2014 to present, including the following information:
 - a. the date of the contract;
 - b. the amount of the contract;
 - c. a detailed description of the products and services provided under the contract;
 - d. the number and percentage of false positive identifications by quarter or other reporting period;
 - e. the number and percentage of false negative identifications by quarter or other reporting period;
 - f. the number of users whose biometric data ID.me has obtained under this contract;
 - g. the number of users that were flagged as fraudulent or suspicious in the process of providing authentication for government services by quarter or other reporting period;
 - h. the average wait time for ID.me's "Trusted Referee" program or other help call by quarter or other reporting period;
 - i. whether ID.me performs one-to-many methodology in any way under the contract, and if so, a detailed description of its use;
 - j. a description of the government's rights to access or audit contract compliance, including whether site visits are authorized and the date of the last site visit; and
 - k. the number of complaints ID.me has received from users, government agencies, and copies of those complaints;
2. Detailed information on each federal, state, and local government contract under which ID.me has provided biometric authentication of applicants for

unemployment insurance, including the following data by month for the period March 2020 through March 2022:

- a. the number of users that, after requesting a “Trusted Referee” or other video help call, ultimately completed the process of providing authentication for government services;
 - b. the number of users that, after requesting a “Trusted Referee” or other video help call, ultimately were rejected;
 - c. the number of users that, after requesting a “Trusted Referee” or other video help call, abandoned the process prior to connecting with an ID.me agent; and
 - d. the average wait time for “Trusted Referee” program or other help call;
3. ID.me’s policies and procedures on biometric data retention for all federal, state and local government contracts;
 4. ID.me’s policies and procedures on the use of Duplicate Face Detection systems for federal, state and local government contracts, including but not limited to a technical description of Duplicate Face Detection systems;
 5. All communications with IRS personnel concerning one-to-many facial recognition technology or Duplicate Face Detection systems;
 6. All internal documents describing trends in error rates and assessments of database(s) used to train algorithms;
 7. Documents sufficient to show ID.me’s profits and revenues broken down by month, between January 2020 and February 2022; and
 8. All pitch decks, executive summaries, and other investor-facing materials concerning ID.me’s ability to detect and prevent fraud that ID.me provided or presented to prospective investors between January 2020 and February 2022.

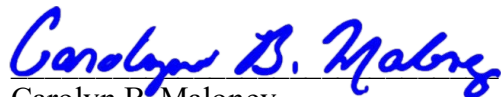
In addition, please answer the following questions by April 28, 2022:

1. How does ID.me determine biometric data to be suspicious or fraudulent?
 - a. Are these determinations made through a human review process, by artificial intelligence, or a combination of both?
2. How does ID.me investigate inaccuracies in their systems and how does ID.me respond to inaccuracies that are found?

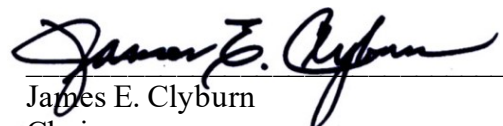
3. Between March 2020 and February 2022, how many people used ID.me to verify their identity for purposes of accessing unemployment insurance?
4. Between March 2020 and February 2022, how many ID.me employees or contractors did ID.me assign to provide direct support to users seeking unemployment insurance, broken down by month?
 - a. Of those employees and contractors, how many were dedicated exclusively to providing direct support to users seeking unemployment insurance, broken down by month?
 - b. How many multi-lingual employees and contractors provided direct support to users seeking unemployment insurance, broken down by language and by month?
5. Between March 2020 and February 2022, in what counties did ID.me offer in-person identity verification for applicants to unemployment assistance programs?
 - a. Please indicate the time periods during which each of these in-person verification locations have operated.
6. Please provide a detailed explanation of all inputs into ID.me’s public estimate of unemployment fraud that was provided to *Axios* in June 2021, including all evidence, sources, and calculation methods that ID.me relied on to arrive at the estimate.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Select Subcommittee is authorized by the House of Representatives to “conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including “reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis.”³² An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



James E. Clyburn
Chairman
Select Subcommittee on the
Coronavirus Crisis

³² H.Res. 8, sec. 4(f), 117th Cong. (2021); H.Res. 935, 116th Cong. (2020).

Mr. Blake Hall
Page 10

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

Responding to Committees' Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, including alternate spellings or transliterations of any names, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The terms “relating to” and “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “involving”, with respect to any given subject, means sending, receiving, or being copied (CC or BCC), or being the subject matter on any documents or communications described in the request.
9. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
10. The term “individual” means all natural persons and all persons or entities acting on their behalf.