

EXHIBIT J



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Public Works Projects for the Internet

October 5, 2008

Mr. Marc Groman, Esq.
Chief Privacy Officer
Federal Trade Commission
600 Pennsylvania Avenue, NW H-466
Washington, DC 20580

Hon. Gordon S. Heddell
Acting Inspector General
Department of Defense
400 Army Navy Drive
Arlington, VA 22202-4704

Summary of Complaint:

LexisNexis and Thomson Westlaw permit unfettered access to 308,085 social security numbers of 232,471 military officers promoted between 1985 and 1996. LexisNexis and Westlaw should be required to either redact or control access to the data.

The Department of Defense and the United States Senate are the original publishers of this data and should take steps to mitigate the damage caused by these actions.

Dear CPO Groman and Inspector General Heddell:

This complaint before the Federal Trade Commission and the Inspector General of the Department of Defense requests a series of actions be promptly taken to mitigate the damage from a long-term and still ongoing breach of the privacy of 232,471 military officers promoted between 1985 and 1996.

On November 16, 2007, Public.Resource.Org completed a harvest of 5,177,003 pages of government documents from Government Printing Office (GPO) servers, including the Congressional Record from 1995 to 2007. On April 21, 2008, we were contacted by a former officer who complained that his social security number was visible on the Internet in a Congressional Record page published by the U.S. Senate.

This turned out to be an outgrowth of a practice conducted from 1970 to 1996 whereby the U.S. Senate, to fulfill their constitutional requirement to provide advice and consent of executive nominations, printed the name and social security number of officers in the Congressional Record. Before 1970, the military had not yet switched identification numbers over to social security numbers, and after 1996 a heightened sense of privacy led to the redaction of all but the last four digits of the identifiers.

We investigated the matter, and determined that 2,728 social security numbers were still visible on the government web sites, for the most part in the 1995 and 1996 databases. In some cases, the text files had been redacted but the PDF file corresponding to the same page had not been redacted, leading us to believe that somebody had been aware of the problem but had simply failed to finish the job. We referred the matter to the Inspector General of the Government Printing Office for further action on April 23, 2008, providing specific details on the offending data and recommending a series of corrective actions, including an IG investigation.

Actions Taken by the Government Printing Office Were Not Sufficient

The GPO took the matter seriously in some respects. While the Inspector General choose not to conduct an investigation, the staff of the Public Printer and the Superintendent of Documents did act, taking the two years of the Congressional Record offline and conducting a manual scan of all pages. On the question of the notification of the parties endangered by this breach, they deferred to the Congress, indicating they were only the printer and the U.S. Senate had published the pages.

Public.Resource.Org also briefed staff of the Committee on House Administration, the Senate Committee on Governmental Affairs, and the Joint Committee on Printing. With all three committees, as well as in conversations with GPO staff, we suggested strongly that this breach required that those affected be promptly notified of the breach, a standard "Best Current Practice" and in many cases required by law. We asked that the Senate do no less than they would have surely demanded in a similar situation with a private company or an executive branch agency such as the Veterans Administration.

At the time, we were simply asking that the 2,900 former officers who had their social security numbers spinning on the U.S. Senate web site for several years be notified. However, after we investigated the matter further and saw how broad the practice had been, we suggested that all officers be notified. In addition, we suggested that those that republish the data must be notified to stop the spread of this information.

A series of reasons have been presented to us as the rationale for taking no further actions. These reasons we have heard over and over include:

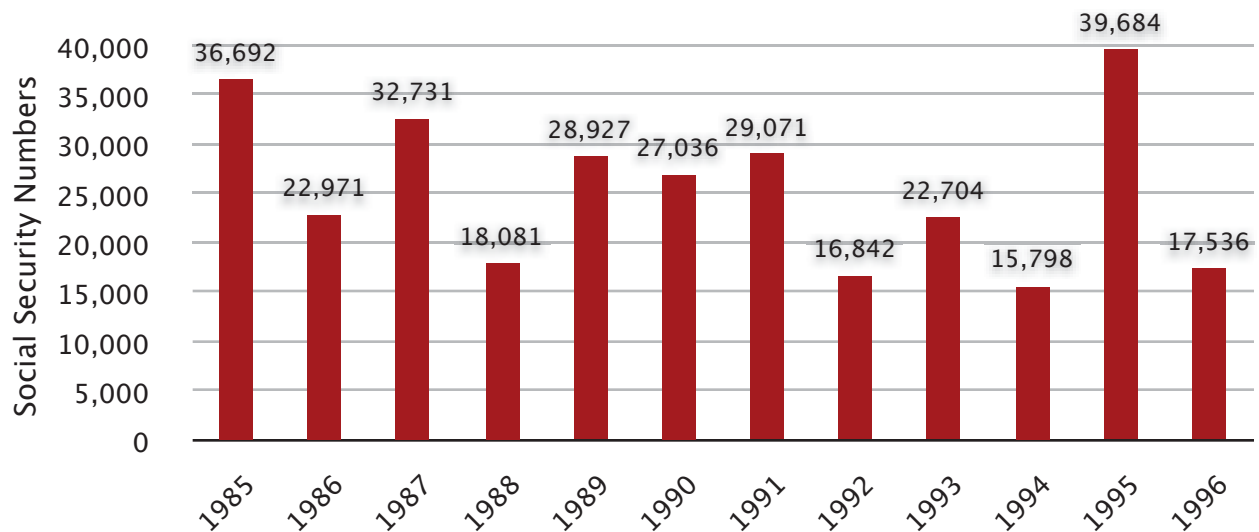
- "There is no evidence that this breach of privacy has been a problem since nobody has been complaining."
- "The officers all know about this already, it is common knowledge."
- "It wouldn't be possible to notify that many people."
- "If we try to notify people, it will leak to the media and the bad guys will find out."
- "This isn't a problem now that the on-line stuff has been fixed. You'd have to go to the library to copy pages now, there are easier ways to harvest SSNs."

The Problem is Ongoing and Digital

On a hunch, we went to LexisNexis to see how many social security numbers were visible on their service. As we suspected, a single one-line command let us immediately harvest a huge number of social security numbers. In many cases, the listings included the name, date of birth, and social security numbers, creating a one-stop shopping mall for identity theft.

As can be seen in Table 1 (next page), we were able to retrieve 308,085 numbers with this one command. When sorted, because some members were promoted more than once, our harvest yielded 232,471 unique numbers. The attached DVD has all 4,041 PDF pages of these numbers for your inspection. I trust you will be as horrified as I was paging through these files.

Table 1
 Social Security Numbers of Military Officers Published by the U.S. Senate
 (Retrievable from LexisNexis and Westlaw With A One-Line Command)



It is a well established principle of privacy protection that those who make social security numbers available, such as credit bureaus, must take steps to know their customer, validate the usage, and otherwise practice heightened security over this very sensitive information.

However, neither Westlaw nor LexisNexis takes any steps whatsoever to restrict access to this data. Both of the services are available for nonsecured access in law schools and libraries across the country. Federal law, best current practices, and the best interests of our military officers demand that Westlaw and LexisNexis take one of two steps:

- Redact the social security numbers.

or

- Implement significantly more stringent controls over access to this sensitive information.

DoD and the U.S. Senate Are Remiss In Their Duty to Our Military Officers

As this situation has unfolded over the last few months of trying to get the government to act, we have had occasion to ask numerous former or current military officers who were promoted between 1970 and 1996 if they were aware of the practice of printing their social security numbers in the Congressional Record.

One officer said he was familiar with the practice. All the other officers had one of two reactions: "Lovely, I'm not surprised!" or "Oh, sh*t." Please pardon our language, but the latter response was received verbatim on numerous occasions. It is clear without a doubt that the vast majority of officers are not aware that they are at heightened risk of identity theft. It is also clear that when officers are notified of this information, they feel vulnerable and betrayed. They deserve better.

There are a series of concrete actions that the Department of Defense can take in conjunction with the U.S. Senate:

- Notify officers that they may be at heightened risk of identity theft.
- Offer credit counseling.
- Notify the credit bureaus of the breach and request heightened care.
- Apologize (a suggestion we heard from many of the officers we talked to).

In addition, I believe that it would be appropriate for the Secretary of Defense to request that the Superintendent of Documents notify the 1,249 members of the Federal Depository Library Program of the incident so that librarians across the country may take appropriate steps with their collections.

We realize these steps will cost money and require effort. However, these steps are necessary to remedy mistakes made in the past. It would not be right to simply continue to ignore this situation when a relatively modest effort would go a long way towards helping protect those who served our country so well during those 26 years.

I thank you for taking the time to consider this matter and hope to hear from you soon that steps are being taken in a timely and decisive manner.

Very truly yours,

Carl Malamud

Digitally signed by Carl Malamud
DN: cn=Carl Malamud, o=Public.
Resource.Org, ou,
email=carl@media.org, c=US
Date: 2008.10.04 12:05:25 -07'00'

Carl Malamud
President & CEO
Public.Resource.Org

cc: The Honorable Senator Dianne Feinstein
The Honorable Congressman Robert A. Brady
Edward A. Friedland, Deputy General Counsel, Thomson Corporation
Ken Thompson, Global Chief Legal Officer, LexisNexis Group