

Upon a review of the report for DI-12-0623 it seems that the following inconsistencies were noted and the following comments are provided:

As noted from Page 16 of the report:

Under the section titled Reporting

During his discussion of incidents prior to October 2011, Mr. Anderson highlighted an incident in 2009 when social security information was accidentally sent via email. The incident was dealt with immediately at the time and Mr. Anderson said that his supervisor, Mr. Paulson, was "directed to make sure every plant employee deleted the E-mail." He suggested that the 2009 email incident is a reason why he does not trust his organization to dispose of PII and is a reason why he did not report the current issue to his superiors. He said, 'its one good reason that I kind of lost confidence in the system because of the response and what had happened, what transpired at the time.' Mr. O'Gallagher also testified about this incident, stating that in 2009 social security numbers were sent out over email by a master sergeant who has since moved from Schriever AFB. He stated the incident was immediately addressed and that the emails were 'pulled back.'

Please note the following information is provided as a point of reference concerning a breach of PII:

Page 9; OSD Memo - Safeguarding against and responding to the breach of PII (09)

Part IV. Incident Reporting and Handling Requirements.

A. Agency Reporting Requirements

Current DoD Policy:

DoD 5400.11-R, Para C10.6 sets forth the current DoD reporting requirements when there is breach of PII. Reporting of incidents is required when there is a loss, theft, or compromise of PII (i.e., a breach).

All breaches shall continue to be reported to US-CERT within one hour of discovering that a breach of PII has occurred, to the senior DoD Component Official for Privacy within 24 hours, and the Defense Privacy Office within 48 hours for use in further reporting.

It seems that the lack of reporting pertaining to this particular incident per the requirements of DoD Policy DoD 5400.11-R that were not adhered to is especially disturbing. Perhaps and it seems that Mr. O'Gallagher should have adhered to the agency reporting requirements again as noted in DoD 5400.11-R. Perhaps if the breach of PII (2009) were reported to the US.CERT within 24 hour as required by DoD 5400.11R the incidents of PII Breaches in 2010 and 2011 would have never transpired because of the serious nature of the PII Breaches. Perhaps Mr. O'Gallagher could have substantiate his claim that he immediately addressed the incident by proving written documentation addressing his compliance with DoD 5400.11 R, Para C10.6 that he up channeled the PII breach thus ensuring the PII breach was reported to US-CERT.

Regardless of Mr. O'Gallagher claim that he immediately dealt with the PII breach in 2009; it appears that particular breach of PII was never reported to the US-CERT regardless of who knew about the incident.

2012 JUL -5 PM 4:02
U.S. OFFICE OF
SPECIAL COUNSEL
WASHINGTON, D.C.

The following information is provided for a better understanding of what transpired from information from December 21, 2009 to January 6, 2010 - 17 days:

(Please note the breach of PII as noted on December 26, 2009 information was conveyed via email to Major General Michael J. Basla AFSPC/CV)

-----Original Message-----

From: Milne, David J MSgt USAF AFSPC 50 CES/CEOFU
Sent: Monday, December 21, 2009 10:07 AM
To: Dejong, Brian J TSgt USAF AFSPC 50 CES/CEOFU; Muehlhausen, John M TSgt USAF AFSPC 50 CES/CEOIE
Cc: Basedow, Paul W Civ USAF AFSPC 50 CES/CEOIP; Paulson, John C Civ USAF AFSPC 50 CES/CEOIP

Subject: FW: Mandatory Private Motor Vehicle (PMV) Survey (Suspense: 1 Jan 10)

HOT HOT HOT! Please make sure ALL personnel accomplish this ASAP. The suspense in 1 Jan! Thanks!

V/R
MSGT DAVID J. MILNE
CHIEF, INFRASTRUCTURE SECTION
50 CES/CEO
SCHRIEVER AFB CO
DSN: 560-5092
COMM: 719-567-5092
CELL:
40

-----Original Message-----

From: Basedow, Paul W Civ USAF AFSPC 50 CES/CEOIP
Sent: Monday, December 21, 2009 10:28 AM

To: Abraham, Marcus E Civ USAF AFSPC 50 CES/CEOIP; Anderson, Keith D Civ USAF AFSPC 50 CES/CEOIP; Hanks, Larry M Civ USAF AFSPC 50 CES/CEOIP; Riddle, Zimri O Civ USAF AFSPC 50 CES/CEOIE; Day, Thomas C Civ USAF AFSPC 50 CES/CEOIP; Lemon, Thomas A Civ USAF AFSPC 50 CES/CEOIP; Mendoza, Steve III Mr 50 CES/CEOIP (Steve.Mendoza@schriever.af.mil); Roy Bergsholm; Tornone, Peter M Civ USAF AFSPC 50 CES/CEOIP

Subject: FW: Mandatory Private Motor Vehicle (PMV) Survey (Suspense: 1 Jan 10)

Please accomplish this silly survey, Thank You.

Paul Basedow, WS-09
Power Plant Supervisor
50CES/CEOIP Schriever AFB CO 80912
Phone 567-4109
Cell

paul.basedow@schriever.af.mil

-----Original Message-----

From: Anderson, Keith D Civ USAF AFSPC 50 CES/CEOIP
Sent: Saturday, December 26, 2009 8:21 PM
To: Milne, David J MSgt USAF AFSPC 50 CES/CEOFU
Cc: Anderson, Keith D Civ USAF AFSPC 50 CES/CEOIP; Peabody, Amy E 2dLt USAF AFSPC 50 CES/CEO; Sipe, Christopher W Maj USAF AFSPC 50 CES/CEO; Clairmont, Daniel J LtCol USAF AFSPC 50 CES/CC; Baron, Edward C Col USAF AFSPC 50 MSG/CC; Monteith, Wayne R Col USAF AFSPC 50 SW/CC; Basla, Michael J Maj Gen USAF AFSPC AFSPC/CV

Subject: FW: Mandatory Private Motor Vehicle (PMV) Survey (Suspense: 1 Jan 10)

The email sent out on December 21, 2009 (1007 am) contains a file POV/motorcycle survey (149 KB). When the file/attachment is opened it reveals a military and civilian roster. (Microsoft excel spreadsheet).

Per the instructions given, prompts the recipient of the email to fill out the roster (Microsoft excel spreadsheet) when the recipient completes the survey.

The attached civilian roster POV survey.xls (80 KB)-(sheet 1) when opened reveals the social security numbers listed for all the civilians names listed on the roster.

It appears that the release of this information (social security numbers) is not in compliance with AFI 33-332.

Can there be legal liabilities with the release of personal information without the consent of civilians names-listed on the roster-sheet one? It appears that the information was not protected/safeguarded (Ref: the U.S. Privacy act)

-----Original Message-----

From: SIPE, CHRISTOPHER W Maj USAF AFSPC 50 CES/CEO
Sent: Wednesday, January 06, 2010 6:11 PM
To: ANDERSON, KEITH D WG-11 USAF AFSPC 50 CES/CEOIP
Cc: Milne, David J MSgt USAF AFSPC 50 CES/CEOFU; PAULSON, JOHN C WS-09 USAF AFSPC 50 CES/CEOIP; OGALLAGHER, EDWARD M CIV USAF AFSPC 50 CES/CE-2; BLAYLOCK, DENNIS V WS-14 USAF AFSPC 50 CES/CEO; Clairmont, Daniel J LtCol USAF AFSPC 50 CES/CC

Subject: RE: Mandatory Private Motor Vehicle (PMV) Survey (Suspense: 1 Jan 10)

Mr. Anderson,

We are in the process of addressing the issue you referenced below. Flight Chiefs and Supervisors have been instructed to physically verify with all personnel that all instances of this roster are safely deleted, thus protecting the Privacy Act Information enclosed.

To date, all squadron personnel, except for some shift workers, have confirmed the information has been deleted. Supervisors will confirm the information has been deleted as personnel are on shift. I fully expect you to cooperate with your supervisor as he verifies with you on the computer the deletion of any and all instances of the roster that you have.

Maj Sipe

CHRISTOPHER W. SIPE, Maj, USAF
Operations Flight Chief
50 CES/CEO
DSN 560-2341, Comm (719) 567-2341
Fax (719) 567-2116

Again: the PII breach occurred on December 21, 2009 and the response to the PII breach occurred on January 06, 2010. December 21, 2009 to January 6, 2010 = 17 days I believe the definition of immediately is as follows: without intermediary: directly. Based on the time frame of seventeen days this appears to be contradictory to Mr. O'Gallagher's claim that the incident was "immediately addressed" and that the emails were "pulled back."

It seems that management addressed the issue after seventeen days. Again the compliance with DoD 5400.11-R comes to mind, is there a record that simply states the breach of PII that occurred on December 21, 2009 was reported the US.CERT?

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Lt Col Williams, Mr. Paulson apparently were not aware of any Breaches of PII. It seems that breaches of PII have been on-going for some time whether by email, trash disposal, etc. It's seems easy to state that breaches of PII were not reported nor was there any awareness of breaches of PII, the statements made by Lt Col Williams and Mr. Paulson do not indicate that if breaches of PII had been reported that the breaches of PII would have been handled appropriately regardless.

Again; please refer to the breach of PII that transpired in 2009, perhaps it's understandable why the four breaches of PII discovered whether the breaches occurred within the utility plant or the trash dumpster located outside of the utility plant from October - December 2011, why it's understandable why the breaches were reported directly to the OSC and not the agency i.e. based on the response of the 50 CES line management and the method in which the incident of 2009 was addressed esp. when it was brought to Major General Basla's attention.

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As a result of this investigation, the 50th Space Wing (50 SW) Commander has directed the following corrective actions:

First, he has directed that all individuals whose PII was potentially compromised be notified of the issue, in accordance with AFI 33-332, Air Force Privacy Program, at paragraph 9.3.

Perhaps this will be a daunting task considering that over six hundred individuals PII were breached/compromised.

How will the process in accordance with AFI 33-332 Paragraph 9.3 be verified?

How can I verify this?

Per AFI 33-332 Para. 9.3.3.3:

Notification to affected individuals, if determined to be required, will be made no later than 10 working days after a PII breach is discovered and the identities of the affected individuals ascertained by a senior level individual in the chain of command for the organization where the breach occurred.

Wouldn't Mr. O'Gallagher be assigned the task to notify the affected individuals with the 50 CES organization since Mr. O'Gallagher would be considered a senior level individual in the organization where the breach occurred ?

Page 21:

Because Mr. Paulson has retired, no disciplinary action will be taken against him.

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of evidence, there were several findings of violations of law, rule, or regulations. Specifically, the violations are as follows:

5 U.S.C. 552a(b) by Mr. Paulson for disclosing records which are contained in a system of records.

DoD 5400.11-R at paragraph C1.4.3.1 and AFI 33-332 at Paragraph 9.5.1. by Mr. Paulson for failing to render personal data "unrecognizable or beyond reconstruction" prior to discarding employee PII.

Based upon a preponderance of the evidence, there were additional findings of apparent technical violation of law, rule, or regulation. These apparent violations are as follows:

AFI 33-332 at paragraphs 1.1.9.10 and 11.1 by Mr. Paulson and others for failing to complete specialized training annually

It was noted that based on the preponderance of the evidence that Mr. Paulson did violate law, rule, and regulation during his tenure as a federal employee/supervisor.



June 30, 2012