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United States Senate

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November 5, 2013

Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Dear Administrator Tavenner,

On October 31, 2013, Justin Hadley of North Carolina logged on to Healthcare.gov to try to enroll in a health insurance plan, but instead the website directed him to information intended for Thomas Dougall, one of my constituents in South Carolina who had previously visited the site. Though these individuals previously had no connection to one another, Mr. Hadley was able to download and view information intended for Mr. Dougall. Mr. Hadley's progress in signing up for health insurance is now blocked by a page with Mr. Dougall's information.

This is an example of critically defective security measures on Healthcare.gov that risks the private information of millions of Americans. You have testified several times before Congress that Americans can trust that their information would be protected by "the highest security standards," yet this episode proves that those standards fall short of truly guarding people's privacy.

An August 2013 Inspector General report pointed out the potential for privacy risks connected to Healthcare.gov. The concern at the time was that the website might not be fully tested to ensure data security. Clearly, this issue has not received your full attention, and now we are seeing the results of this negligence.

On behalf of Mr. Dougall, I am requesting that his information along with his daughter's, Molly Dougall, be taken down from Healthcare.gov. Their personal information should be entirely removed from Healthcare.gov including the login accounts they created. I am also requesting that a letter guaranteeing that this information is no longer in the system be sent both to him and to my office.

I trust that you will work quickly to resolve this issue before more individuals' information is made available to an unintended recipient – a recipient who may not be as honest and trustworthy as Mr. Hadley.

Additionally, I am requesting that a situation report be sent to my office outlining how this breach occurred as well as concrete measures that have been taken to resolve this issue and prevent future incidents from happening. This report should include a technical description of how the

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security breach occurred, the probable number of similar occurrences, and a full account regarding your agency's solution to this problem. Also, please provide the number of times this particular cyber vulnerability has arisen nationwide as well as the dates on which related cases were resolved.

I continue to be alarmed at how statements made by you and others in the administration about this law are regularly contradicted by the facts. The American people deserve an honest representation of this law and how it is being implemented. No more pitches, no more spin, just the truth.

Mr. Dougall and I anxiously await confirmation of the removal of his profile as well as the answers to my questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Scott", with a stylized flourish extending to the right.

Senator Tim Scott