



**OFFICE of the  
INSPECTOR GENERAL**  
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**MARCH 2023**



**Limited Scope Inquiry:**  
GPO's Role in Publishing Sensitive Information  
Related to the *Select Committee to Investigate  
the January 6th Attack on the United States  
Capitol*

**Inspection Report Number 23-04**

U.S. GOVERNMENT PUBLISHING OFFICE

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**Date:** February 24, 2023

**To:** Director, U.S. Government Publishing Office

**From:** Deputy Inspector General, U.S. Government Publishing Office

**Subject:** Limited Scope Inquiry Report (OIG-23-04): GPO's Role in Publishing Sensitive Information Related to the *Select Committee to Investigate the January 6th Attack on the United States Capitol* (Select Committee's) Final Report.

## **PURPOSE**

In accordance with the Office of the Inspector General's (OIG's) oversight role and after receiving GPO's January 04, 2023, Personally Identifiable Information (PII) Incident Report, we initiated a Limited Scope Inquiry<sup>1</sup> into the subject topic.<sup>2</sup>

## **PRIOR REPORTING**

The OIG previously published an inspection report about GPO's Privacy Program on July 29, 2022.<sup>3</sup> The inspection focused on GPO's Privacy Program Management and control of PII<sup>4</sup> originating from or controlled by GPO. We did not report on how GPO secures PII from outside sources, although we did interview GPO personnel about how GPO manages external information published on GovInfo.<sup>5</sup> After we learned that PII was inadvertently released in the supporting materials of the Select Committee's report, we decided to conduct an inquiry with the following objectives:

- 1) Develop a timeline of the incident;<sup>6</sup>
- 2) Understand how GPO receives information and posts the information to GovInfo;
- 3) Understand the aspects of the reported Privacy Incident; and
- 4) Analyze GPO's role, responsibility, and processes, if any, for reviewing digitized content for PII destined for publication on GovInfo.

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<sup>1</sup> OIG Memorandum OIG-23-028 was signed on January 12, 2023 and delivered via email at 7:40am on January 13, 2023. The memo originally referred to the project as a Limited Scope Inspection, this nomenclature was subsequently changed by the Inspector General to read "Inquiry."

<sup>2</sup> A limited scope inspection is narrowly focused on a specific issue and performed in an expedited timeframe. As a result, it may not follow all Council of the Inspectors General on Integrity and Efficiency (CIGIE) Inspection and Evaluation Standards.

<sup>3</sup> Inspection Report Number OIG-22-07, *GPO's Privacy Program Inspection*, July 29, 2022

<sup>4</sup> PII is information that can be used to identify a person, such as their name, social security number, date or place of birth, or mother's maiden name, etc. OMB Memorandum M-07-16.

<sup>5</sup> GovInfo is an International Organization for Standardization (ISO) 16363-certified Trustworthy Digital Repository that ensures free online access to current and historic Government information from all three branches today and into the future. <https://www.govinfo.gov/features/only-tdr-certification>

<sup>6</sup> This objective was added by the Inspector General after the Notification Memo (OIG-23-028).

Our methodology for this inquiry is detailed in Appendix A. Our initial observations are detailed below. A comprehensive timeline of events is provided in Appendix B.

## **GPO MANAGEMENT COMMENTS AND CHANGES FROM THE DRAFT REPORT**

We requested GPO's comments on the draft report which are included in their entirety (Appendix C). We accepted all of GPO's suggested changes and made some additional changes of our own. For example, the subject line was amended for clarity. In addition, in order to expedite the release of this final report, we removed the name of the Executive Branch Agency that requested GPO remove LES information and removed an entry from the timeline regarding correspondence with another Executive Branch Agency. We also removed the name of the public news outlet that first notified GPO of the PII release. The removal of the information is not material to the report's observations and considerations.

## **SUMMARY**

In February 2022, the White House (via letter) directed the Archivist of the United States, National Archives and Records Administration (NARA), to provide the Select Committee with White House visitor logs from December 2020 – January 2021. The letter stated that "the Select Committee... agreed to accept production of these records with birthdates and social security numbers removed."<sup>7</sup> NARA subsequently provided the visitor logs to the Select Committee. In December 2022, the Select Committee sent its final report and supporting materials to GPO for online publication through GovInfo.<sup>8</sup>

On January 4, 2023, a public news outlet notified GPO that a supporting document included the SSNs of nearly 2,000 White House visitors (who visited in December 2020). GPO subsequently removed the file from public access and replaced it with a redacted version provided by NARA.

According to those we interviewed, and our review of the processes and procedures, the Select Committee's report publication was unique in several ways which contributed to a "perfect storm" of rushed confusion that led to the release of PII and other sensitive information. First, the report had a unique requisition process in that the Select Committee's publication request changed within two weeks of the publication deadline, straining GPO's resources. Second, as a unique product,<sup>9</sup> it required man-in-the-loop support from GPO. Third, the sheer volume of supporting materials that the Select

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<sup>7</sup> February 15, 2022, White House Counsel Dana A. Remus's Letter to Archivist of the United States David S. Ferriero regarding Former President Trump's January 31, 2022 Assertion of Executive Privilege

<sup>8</sup> <https://www.govinfo.gov/collection/january-6th-committee-final-report>

<sup>9</sup> Select Committee Reports, while not uncommon, vary enough that GPO does not always have an automated process to ingest, process, and publish to GovInfo.

Committee asked GPO to publish shortly before the January deadline made it impossible to both review the documentation and meet the publishing deadline of January 3, 2023.<sup>10</sup> Finally, the changeover between the 117th and 118th Congresses caused confusion and rendered GPO without active committee oversight in the timeframe immediately following the release of PII and other sensitive information.

In the days leading up to the Select Committee's report, GPO personnel worked with the Select Committee staff to successfully ingest over 800 supporting materials into GovInfo. They did this in a compressed timeframe (December 22, 2022-January 3, 2023) as is discussed below. The Select Committee stated there was no sensitive information included in the materials. However, GPO was later notified, by a public news outlet and another Executive Branch Agency, that the publicly accessible materials contained both PII and Law Enforcement Sensitive (LES) information. Moreover, during our review, we discovered material that the White House marked as national-security sensitive ("NSS") or otherwise-highly sensitive ("OHS"), and which, according to the White House Counsel's letter, the Select Committee agreed to treat as "confidential."

After learning about the varying types of sensitive information<sup>11</sup> being released to the public, GPO's approach appeared to be inconsistent. In the cases of the PII and LES, GPO decided to remove the information quickly and replace them with redacted versions when they were made available. In contrast, with respect to "NSS" and "OHS" information, GPO presented the Committee on House Administration (CHA) with options to remove it and opted to receive guidance and direction from the CHA. The "NSS" and "OHS" content was ultimately removed on February 1, 2023.

Throughout the report, we discuss the event, and identify areas that led to the data breach. While multiple government entities are in some way responsible or involved (The White House, Congressional Select and Standing committees, NARA, and GPO), we focused our review and observations principally on the role that GPO played. Due to the involvement of multiple governmental agencies from different branches of government, it is not clear which body is responsible for the breach response. GPO has presented congressional oversight with a breach response plan and is waiting for their approval to act. This report contains three considerations for improvement.<sup>12</sup>

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<sup>10</sup> As the report will discuss, GPO does not usually review content prior to publication.

<sup>11</sup> Sensitive information is this OIG's general term for PII, Private Health Information, LES, and other forms of Controlled Unclassified Information.

<sup>12</sup> Considerations are suggested corrective actions to address potential deficiencies or problems. Considerations do not rise to the level of formal recommendations and are not tracked by the OIG.

## BACKGROUND

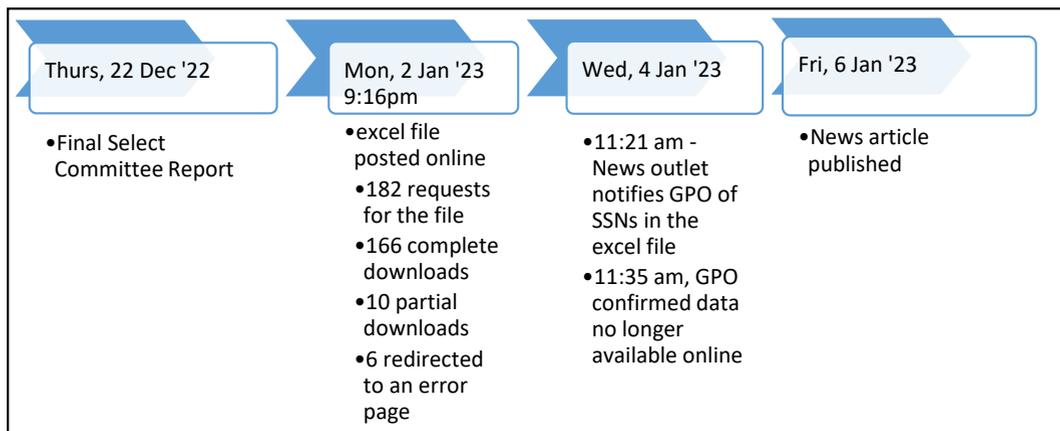
In order to publish the Select Committee’s report, GPO began working with Select Committee staff in August 2022 and held numerous meetings through December 2022. On December 13, 2022, and December 22, 2022, the Select Committee surprised GPO with new requests to process and publish 856 supporting materials<sup>13</sup> and 300 transcripts. The Select Committee had originally requested only that GPO print the final report and publish the report on GovInfo with accompanying video files. After December 13, 2022, GPO adjusted its internal logistics to facilitate the Select Committee’s additional requests.

The Select Committee’s final printed report was dated **December 22, 2022**.<sup>14</sup> The electronic version of the report and supporting materials were ingested into GovInfo, prior to the sunset of the Select Committee, and were published on **January 2, 2023**.

### PII Released to the Public

As shown in Figure 1, on January 2, 2023, at 9:16 pm, White House visitor logs<sup>15</sup> containing 1,694 full SSNs and an additional 178 partial SSNs (presumably beginning with one or two zeros) were released to the public. After being notified on January 4, 2023, at 11:21 am, GPO removed the file from public access at 11:35 am, 14 minutes later, and 38 hours after it was originally posted. During the 38 hours of exposure, there were 182 requests for the file, resulting in 166 complete downloads, 10 partial downloads, and 6 redirections to an error page, as those 6 requests came after the content was removed from access.

**Figure 1. Timeline of PII Release**



<sup>13</sup> Supporting materials included .pdf documents and excel spreadsheets of varying size, as well as 189 videos.

<sup>14</sup> <https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>

<sup>15</sup> The logs were in an Excel spreadsheet covering late December 2020.

## **LES Released to the Public**

On the same day, January 4, 2023, an Executive Branch Agency notified GPO that an additional three documents supporting the Select Committee’s report included LES information, and asked GPO to remove them. Within hours of that notification, GPO removed the files from public access.

## **Visits Marked “NSS” and “OHS” Released to the Public**

On January 20, 2023, after we reviewed the White House visitor logs, we notified GPO that entries marked national-security sensitive (“NSS”) or otherwise-highly sensitive (“OHS”) remained available online. According to the previously mentioned White House letter regarding these logs “the Select Committee... agreed to treat” these entries “as confidential and to refrain from sharing or discussing such entries outside the Select Committee without prior consultation.”

In addition to the original 38-hour exposure resulting in 176 complete or partial downloads for the original file, the subsequent PII-redacted file that still contained “NSS” and “OHS” markings, was exposed for another 28 days. This resulted in an additional 725 complete downloads and 66 partial downloads.

In order to understand the circumstances surrounding the released information, it is necessary to understand that GPO has different processes to ingest, format, and publish the multitude of products provided by customers.

## **Ingesting Information to GovInfo**

GPO publishes information to GovInfo through a process called “submission, ingest, and processing.” GPO ingests large quantities of information into GovInfo, through many different “collections,” such as:

- The Congressional Record, from 1873 to present;
- Public Papers of the Presidents of the United States, from 1929 to present;
- Federal District, Bankruptcy, and Appellate Opinions, from 157 courts;
- Current and Historic publications from Federal Agencies and Commissions; and
- House and Senate Committee Hearings, Prints, Reports, and Documents.

Each collection follows a process where information is composed, digitized, or received and then ingested, processed, and made available on GovInfo. The process for new Congressional content (“day-forward” content) starts with a requisition. Based on the collection and type of content, GPO determines whether the content will be ingested through a custom GovInfo collection, like the Congressional Record, or the Additional Government Publications collection which is used for unique, specialty, or one-off content and necessarily requires manual or semi-manual processing to ingest the information. Upon completion of the ingest and processing, which includes activities such as virus scanning and file format identification and naming, the derivative processed files are made available to the public on GovInfo.gov.

## Differences with the Select Committee’s Final Report and Supporting Materials

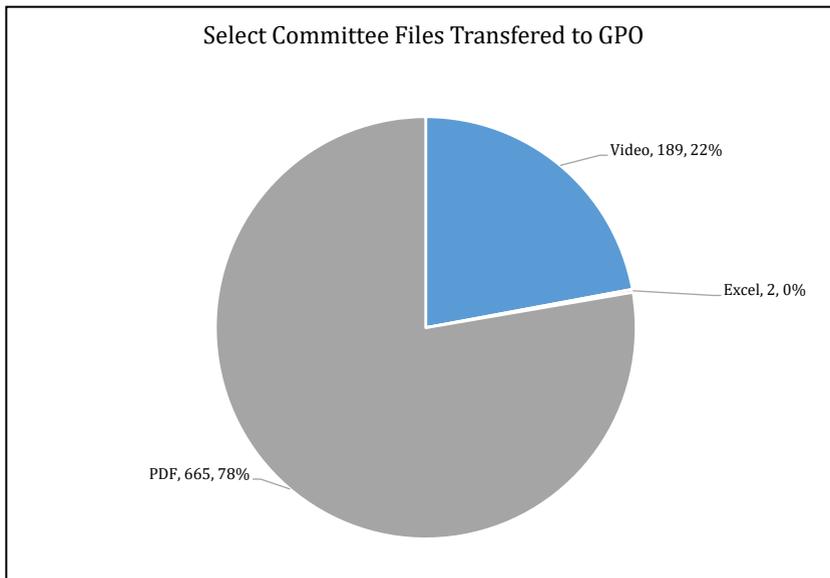
In August 2022, the Select Committee requested GPO ingest the report, multiple pdfs, and multiple video files of the associated hearings. GPO determined this would be a manual process, and worked to identify ways that they could automate some of the needed information, to conform with the ingest process for GovInfo. This automation, however, relied on the Select Committee providing information about the files on a template provided by GPO. By early December 2022, GPO had not received the information they needed to smoothly ingest the information and documents into GovInfo.

On December 13, 2022, the Select Committee notified GPO that they would need additional supporting documents ingested to GovInfo, approximately 800 documents and 300 transcripts. GPO provided an updated template to the Select Committee for the “must have” metadata information. On December 22, 2022, the Select Committee notified GPO that they had limited manpower to generate the requested metadata, and requested GPO’s assistance. Using a secure file transfer service, the Select Committee provided documents to GPO over the Christmas Day and New Year’s Day federal holidays, in advance of the Select Committee’s sunset.

While GPO addressed the files from the Select Committee and prepared them for ingest to GovInfo, GPO employees noted to us that the files in the file transfer program repeatedly changed, which caused additional confusion. This necessitated GPO employees to call and confirm changes with the Select Committee staff, to verify that the correct document was present.

Ultimately, between December 31, 2022, and January 2, 2023, 856 files were ingested and published to GovInfo. This number does not include the number of files that the Select Committee provided as duplicates or repeatedly updated. Although 856 files were ingested and published to GovInfo, see chart below, GPO handled many more files to meet the needs of the Select Committee.

**Figure 2. Select Committee Files Transferred to GPO**



## **GPO Privacy Incident Reporting**

In the event of unauthorized disclosure of PII, GPO employees are required to submit a GPO Form 4049 PII Incident Report through their supervisor to GPO's Privacy Officer. Following notification of the publicly available SSNs on January 4, 2023, GPO employees from the Programs, Strategy, and Technology (PST) and Library Services and Content Management (LSCM) Business Units completed an initial incident report and submitted it to the Privacy Officer on January 5, 2023. GPO also removed the spreadsheet containing PII from public access. Subsequently, GPO replaced it with a redacted version provided by NARA.

GPO held external meetings with associated parties, such as NARA and the House of Representatives staff, to discuss the next steps and response, including the possibility of notifying the affected individuals and providing credit monitoring. These meetings ended without a clear way forward for GPO nor the acceptance of a responsible breach response agency.

According to GPO, in initial meetings with congressional staff, they informed GPO that with the Select Committee no longer active (sunset), there was no appropriate Select Committee point of contact to address the PII issue. Additionally, oversight committees were not yet formed. We were informed by senior GPO officials that they intended to wait until the House of Representatives had organized so the matter could be brought to the attention of their oversight committee, the Committee on House Administration (CHA).

## **GPO's Role, Responsibility, and Processes, for Reviewing Digitized Content for PII and Other Sensitive Information**

GPO's practice is to publish information as it is received, unaltered, from customer agencies. However, as part of GPO's intake process, GPO uses forms that highlight certain customer responsibilities, including:

- GPO Form 3868, Notification of Intent to Publish, which includes a section "About Expected Distribution," identifying any distribution restrictions, such as containing classified materials or PII;<sup>16</sup> and,
- Standard Form 1 (SF-1), Printing and Binding Requisition to the Director of the Government Publishing Office, which includes a required Classification field, to identify if the information is Classified, Sensitive But Unclassified, or contains PII, or is Exempt from Required Distribution to Federal Depository Libraries.<sup>17</sup> The instructions for the SF-1 state that for any questions regarding classified information, SBU, or PII, to consult with "your agency's security officer."<sup>18</sup>

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<sup>16</sup> GPO Form 3868, 02/22

<sup>17</sup> SF-1, June 2022

<sup>18</sup> SF-1 Printing and Binding Requisition Instructions

The GovInfo website, on its policy page, also provides notice to customers that information containing PII is their responsibility, see below or at <https://www.govinfo.gov/about/policies>.

### Figure 3. GovInfo.gov Policy Excerpt for PII Redaction

#### Redaction of Personally Identifiable Information

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For content within GovInfo, it is the authoring agency's responsibility to ensure there is no PII in their public information. Redaction is an option some government authors may choose to remove PII in publications that are already publicly available. For this reason, it is possible to come across some redacted content in GovInfo. Agencies may have different criteria for determining what PII is. Should high-impact PII be discovered in GovInfo it will be redacted in accordance with [Superintendent of Documents Public Policy Statement 2019-2](#). [↗](#)

With these forms and the GovInfo notice, GPO seeks to alert customer agencies that they are responsible for protecting PII and other sensitive information from public exposure.

With respect to the Select Committee's initial printing requisition, GPO's printing staff confirmed that there was no acknowledgment that PII was the Select Committee's responsibility to protect. However, we have communications between GPO and the Select Committee indicating the Select Committee's awareness of and responsibility for PII protection. We have no information regarding what actions the Select Committee took on its own to redact PII except that they were, at least in part, relying on NARA to provide PII- redacted documents to them.

Again, it is GPO's stated practice that it will not alter customer information for publication without prior authorization from the content owner. To that end, GPO has, in the past, been authorized to remove SSNs from some historical publications. For example, in 1998, the Secretary of the Senate authorized GPO to replace the first five digits of SSNs with five zeros in the Senate portion of the online Congressional Records for all Congresses prior to the 105th. In 2008, the Joint Committee on Printing (JCP) authorized GPO to remove full SSNs that had been published in GPO's system of online access, now known as GovInfo.

However, that 2008 authorization involved past records, addressing SSNs that had been published and made available through GPO's system of online access; it did not look forward to preventing or addressing any future SSN publications. And in 2013, the Secretary of the Senate authorized GPO to remove four-digit SSNs where they appear in the Senate portion of the online Congressional Records for all years during the period 1997- 2008.

Current GPO policy states that if high-impact PII is discovered within the publicly accessible files of GovInfo or within the content being prepared for digitization and ingest into GovInfo, the publicly accessible files will be redacted.<sup>19</sup> Further, if PII is discovered, digital content contributors

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<sup>19</sup> GPO defines high-impact PII as, "[p]ersonal identification numbers issued by government or financial institutions printed in conjunction with an individual's name, such as full or partial Social Security numbers, passport numbers, ...[or] taxpayer identification numbers..." Superintendent of Documents Public Policy Statement 2019-2, Redaction of Personally Identifiable Information from GPO's System of Online Access by the Superintendent of Documents, 09/24/2019

and digital access partners will be notified, as appropriate, for them to take action to remove the PII from public access.<sup>20</sup> GPO policy does identify, however, that “[o]fficial guidance is lacking for action to be taken once PII is publicly disseminated in official publications of the U.S. Government.”<sup>21</sup>

GPO relies heavily on the customer agency to address PII and other sensitive information. Even if GPO had the responsibility to sanitize sensitive information, it cannot. This is due to the numerous ways information is given to GPO and the numerous types of information GPO processes. Currently, GPO does not have the capacity, either technologically<sup>22</sup> or in terms of staff, to proactively screen pre-published sensitive information, as was the case with this Select Committee’s report and supporting documents.<sup>23</sup> Finally, GPO does not have the technology to review the documents submitted through the manual activities process. Moreover, GPO contends that even if they were able to scan the documents as part of the ingest process, doing so would extend the ingest process to hours or days, instead of minutes.

Altogether, the policy and practice that content owners are responsible for sensitive information combined with GPO’s lack of staff, process, and technology, create a government-wide vulnerability of inadvertently releasing PII or other sensitive information destined for GovInfo.

## OBSERVATIONS

### ***Potential Disclosure of National-Security Sensitive (“NSS”) or Otherwise-Highly Sensitive (“OHS”) Information***

On January 19, 2023, during the course of our review, we discovered that some of the visits to the White House were designated as “NSS” or “OHS,” which were not to be shared outside the Select Committee without prior consultation, were publicly accessible. We found 138 visits that were marked as “NSS,” and 310 marked as “OHS.” There were multiple duplicates but the results showed 69 individuals whose visit(s) to the White House were identified as being “NSS,” and 155 were identified as “OHS.”

A February 15, 2022 letter from the White House to the Archivist of the United States, stated the following:

“...the Select Committee has agreed to treat ... appointments designated as national-security sensitive (“NSS”) or otherwise-highly sensitive (“OHS”) as confidential and to refrain from sharing or discussing such entries outside the Select Committee without prior consultation.”<sup>24</sup>

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> Documents set to ingest to GovInfo are considered “data in motion” versus “data at rest.” GPO has not identified technology that can scan for PII in “data in motion.” GPO does use technology that can scan “data at rest” before it is submitted for ingest to GovInfo, as well as after the data is already published to GovInfo.

<sup>23</sup> GPO does review/proofread materials, such as the Congressional Record, on a nightly basis, and notify Congress if they find PII in the material. However, there is a large-scale difference between nightly review/proofreading of the Congressional Record and the 856 supporting materials files submitted by the Select Committee.

<sup>24</sup> February 15, 2022, White House Counsel Dana A. Remus’s Letter to Archivist of the United States David S. Ferriero regarding Former President Trump’s January 31, 2022 Assertion of Executive Privilege

Absent any documentation of that prior consultation and confirmation of an agreement to publish this information, it appears that Select Committee may have erred in submitting this information to GPO to release on GovInfo. We notified GPO management about the “NSS” and “OHS” information on January 20, 2023, advising it be removed from GovInfo out of an abundance of caution, just as the reported PII had been.

GPO responded on January 23, 2023, that they were in discussions with their House oversight committee to determine the next steps.<sup>25</sup> We were initially told that GPO was waiting for authorization from the CHA before they would take any action. Subsequently, GPO management clarified that it was waiting for CHA guidance and direction before acting.

Relevant to the issue above, GPO was also made aware on January 4, 2023, by another Executive Branch agency, that Law Enforcement Sensitive information was also made public in the Select Committee’s supporting materials. Like the PII, GPO quickly removed the information from the public site, GovInfo.

### ***GPO Acts Quickly to Remove PII and LES, but not “NSS” or “OHS”***

As previously stated, when notified about the White House “NSS” and “OHS” data, GPO informed our office that its practice is not to alter customer publications and that any alterations or corrections would need to be coordinated with the information owner. However, GPO did act to remove sensitive information (the PII and LES) when it was identified. GPO explains that they removed the PII and LES because, when discovered, the Select Committee had sunset and the new 118th Congress had not yet begun. The CHA was also unformed due to pending Speaker of the House elections and committee assignments.<sup>26</sup> As a result, GPO was in an unusual position, lacking active congressional oversight. Without that active oversight, GPO made the decision, twice, to remove the information quickly.

Contrast the above decision with the “NSS” and “OHS” information. On January 23, 2023, GPO informed us that they were working with CHA staff. However, we were told by CHA staff, on January 24, 2023, that the CHA had not yet been formed.<sup>27</sup> Thus, it appears that, when notified of the “NSS” and “OHS” information, GPO was ostensibly in the same position it was on January 4th, lacking active congressional oversight. As a result, it is unclear why GPO could not act to remove the “NSS” and “OHS” information.

To provide clarity, GPO should work with congressional oversight to establish guidelines whereby GPO could remove sensitive information from GovInfo.<sup>28</sup> Ideally, GPO would be empowered to be proactive allowing them to remove suspected sensitive information without permission but with notification to the customer. Subsequently, if suspected sensitive information is found not to be at issue, it could simply be reposted. If the information is found to be legitimately unfit for public dissemination, the information could be redacted or otherwise suitably sanitized by the content provider and given back to GPO. To be clear, we are not advocating a position whereby GPO should

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<sup>25</sup> CHA is the custodian of all the subject Select Committee Report documents.

<sup>26</sup> The Speaker was elected January 7, 2023, and House Representatives were Sworn in.

<sup>27</sup> CHA Chairman was nominated on January 17, 2023, and formally elected on January 25, 2023. He welcomed the Majority staff members to the committee on January 25, 2023. <https://cha.house.gov/media/press-releases/chairman-stiel-welcomes-republican-members-committee-house-administration>

<sup>28</sup> While not all inclusive, sensitive information could include PII, LES, classified information, and other information referred to as Controlled Unclassified Information.

be required to review, screen, or edit information upon ingest. However, when GPO is made aware of potential offending or violating information when weighing public policy concerns, GPO would not need to wait for oversight guidance and direction to remove it.

### ***GPO's Current Breach Response Status***

We spoke with GPO's Privacy Officer and senior leadership. Absent clear policy or law regarding agency responsibilities to address this PII breach, GPO is currently requesting guidance and direction from the recently formed CHA on whether to provide notification and credit monitoring.

Looking forward, GPO is also considering adjustments to make it more obvious that the customer is responsible for PII compliance. Additionally, GPO is considering technical options to scan for sensitive information.

### **CONSIDERATIONS FOR IMPROVEMENT<sup>29</sup>**

- 1) Develop and implement a process to more overtly notify customers to review their information for PII and other sensitive information.
- 2) Obtain written positive confirmation from customers that PII (and other sensitive information) has been sanitized and that they accept responsibility for PII breach notification and response.
- 3) Propose to congressional oversight that GPO be allowed to proactively pull down PII (and other sensitive information) prior to customer approval. Include a policy that enumerates what GPO will and will not do when a customer is no longer available, as was the case with the Select Committee.

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<sup>29</sup> Considerations are suggested corrective actions to address potential deficiencies or problems. Considerations do not rise to the level of formal recommendations and are not tracked by the OIG.

## CONCLUSION

Thank you for GPO's cooperation in providing quick access to personnel and information. I also appreciate Director Halpern's and GPO's management comments, especially regarding the constitutional protections afforded congressional legislative materials. The comments provide needed context and insight into the actions and decisions of GPO management.

GPO concurred with the considerations for improvement and the proposed actions are responsive to those considerations.

Should you have any questions or comments about this report, please contact our office through our OIG's hotline at [gpoighotline@gpo.gov](mailto:gpoighotline@gpo.gov).

A handwritten signature in black ink, reading "Nathan Deahl", with a long horizontal flourish extending to the right.

**NATHAN J. DEAHL**  
*Deputy Inspector General*

## **APPENDIX A: LIMITED SCOPE INQUIRY METHODOLOGY**

Limited Scope projects are narrowly scoped and performed in an expedited timeframe. They can often take the form of research projects and do not necessarily conform to all CIGIE Quality Standards for Inspection and Evaluation, as in this case.

This report and the information therein are current as of the date of publication and based on the information available to us from public sources, GPO, Congress, and relevant Executive Branch Agencies.

The GPO Office of the Inspector General took the following actions for this Special Project:

- Interviewed GPO staff, including the Chief of Staff; Customer Services; Office of General Counsel; Information Technology and Systems; Plant Operations; Programs, Strategy and Technology; Public Relations; and Superintendent of Documents.
- Reviewed GPO's responses to OIG's data call.
- Reviewed documentation available on GPO's inter- and intra-net, including GPO directives, annual reports, and strategic plans.
- Reviewed documents and emails from GPO staff, including the Chief of Staff; Customer Services; Office of General Counsel; Information Technology and Systems; Plant Operations; Programs, Strategy and Technology; Public Relations; and Superintendent of Documents.
- Conducted analyses of the information received.

This project was conducted as an addition to the **FY 2023 OIG Annual Work Plan**.

## APPENDIX B: TIMELINE

### Thursday, August 11, 2022

- Meeting with Select Committee and GPO regarding the initial requisition to publish the report and supporting materials.

### Tuesday, December 13, 2022

- Select Committee indicated that they would like GPO to process and publish supporting materials, including ~ 800 documents and ~300 transcripts.
- Based on the Select Committee's request, GPO performs analysis and prepares new metadata templates for Committee to provide to ensure that supporting files can be ingested.

### Friday, December 16, 2022

- GPO employee emailed Select Committee, reminding them that without the necessary descriptive metadata, GPO would not be able to ingest and deliver the videos and other supporting documents to the public via GovInfo.

### Thursday, December 22, 2022

- Select Committee notified GPO that they had limited manpower to generate the requested metadata, and requested GPO's assistance.
- Select Committee adopted and issued its report.

### Tuesday, January 3, 2023

- 117th Congress ends and Select Committee sunsets; 118th Congress convenes and House attempts to organize.

### Monday, January 2, 2023 – PII Released

- At 9:16 pm, a file containing unredacted SSNs was ingested into GovInfo and made available publicly as part of the January 6th Final Report and Supporting Materials Collection.

### Wednesday, January 4, 2023

- At 11:21 am, GPO Chief Public Relations Officer received an email from a public news outlet that unredacted PII was found in a White House visitor's log, available on GovInfo.
- At 11:26 am, GPO senior staff alerted.
- At 11:32 am, GPO pulled content from GovInfo.
- At 11:35 am, GPO confirmed content is not on GovInfo.
- At 1:43 pm, GPO replied to the news outlet's email and stated that the Select Committee asked GPO to publish the materials referenced in their report in addition to the report itself.

*"GPO does not edit or alter materials provided by Congress for publication. We received information indicating that some of those materials contained personally identifiable information (PII). As a temporary measure, GPO removed the materials identified as containing PII from its online repository, GovInfo, while our teammates scan other documents for PII."*

- At 1:48 pm, NARA's representatives contacted GPO requesting the right person to provide a redacted replacement copy of the file, and to assess how long the information was online and how often it was accessed.
- Between 2-3:30 pm an Executive Branch Agency notified GPO that three other documents included in the committee exhibits contained Law Enforcement Sensitive Information and were not redacted as agreed to by the Select Committee.

**Thursday, January 5, 2023**

- At approximately 9:30 am, GPO republished a NARA-provided redacted file on GovInfo.
- At 3:29 pm, GPO employees from Programs, Strategy, and Technology and Library Services and Content Management Business Units completed the privacy incident report to GPO's Privacy Officer.
- At 4:51 pm, the GPO Privacy Officer notified GPO leadership of the PII incident report.
- At 5:19 pm, GPO notified the OIG of the incident.

**Friday, January 6, 2023**

- A public news outlet's article regarding the incident is posted.
- At 4:00 pm, virtual meeting with GPO, NARA, and the House of Representatives staff.

**Saturday, January 7, 2023**

- House elects Speaker.

**Monday, January 9, 2023**

- House adopts rules establishing committees, including CHA.

**Friday, January 13, 2023**

- At 7:40 am, GPO OIG sent GPO an announcement of the Limited Scope Inspection.
- At 11:38 am, the GPO Privacy Officer requested NARA's assistance in obtaining the "names and addresses of the potentially impacted individuals."

**Thursday, January 19, 2023**

- GPO-OIG identified potential "NSS" and "OHS" information in the same file that contained unredacted SSNs.

**Friday, January 20, 2023**

- OIG notified GPO about the "NSS" and "OHS" information.

**Tuesday, January 24, 2023**

- GPO Inspector General and Deputy Inspector General met with CHA staff to discuss concerns that the "NSS" and "OHS" information remained publicly available.

**Tuesday, January 25, 2023**

- House formally elects chair of CHA and populated committee.

**Wednesday, February 1, 2023**

- GPO removed "NSS" and "OHS" information from GovInfo.gov.

## APPENDIX C: GPO COMMENTS

HUGH NATHANIAL HALPERN  
Director

GPO

### MEMORANDUM

**Date:** February 22, 2023  
**To:** Deputy Inspector General  
**From:** Director, GPO  
**Subject:** GPO Comments on Limited Scope Inquiry Draft Report GPO's Role in the Select Committee to Investigate the 10 January 6th Attack on the United States Capitol Report PII Incident (Project No. 23-01-LS)

GPO appreciates the opportunity to review the draft Limited Scope Inquiry Report (“draft report”) and this chance to offer our comments. Broadly, the Agency appreciates the seriousness of the issues involved, the professional manner in which the OIG conducted the inspection, and generally agrees with the draft report’s observations and considerations for improvement.

At its heart, the draft report highlights the tension between the Agency’s legal and moral obligation to protect sensitive PII in publicly available materials and its obligation to faithfully execute the constitutionally protected publishing needs of Congress. When combined with the Select Committee’s unique requirements and the issues surrounding the change from the 117th Congress to the 118th Congress, it was, as the draft report correctly describes, a “perfect storm.”

This memorandum will (1) provide additional context I believe is important as the reader evaluates the tension I described above, (2) respond to some observations and the considerations for improvement, and (3) suggest minor changes to the text and additions to the timeline in Appendix B to also provide the context of the external events which were factors in GPO’s decision-making.

### Preserving Congress’ Constitutional Protections

Clause 1 of section 6 of article I of the Constitution of the United States contains the “speech and debate clause” which provides in relevant part that “for any Speech or Debate in either House, [the Senators and Representatives] shall not be questioned in any other place.” This provides Members of Congress broad protections for activities that occur within the scope of their legislative duties, including the placement of materials in committee reports or the Congressional Record.<sup>1</sup>

<sup>1</sup> See “Activities to Which Speech or Debate Clause Applies,” U.S. Constitution Annotated, [https://constitution.congress.gov/browse/essay/artI-S6-C1-3-3/ALDE\\_00013302/](https://constitution.congress.gov/browse/essay/artI-S6-C1-3-3/ALDE_00013302/).

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While GPO's work for Congress includes making changes to congressional materials to correct spelling, punctuation, capitalization, formatting, and style, it does not include changes to the content. That limitation is in no small part based on the constitutional protections afforded congressional legislative materials described above.

This becomes even more critical when Congress is debating or reporting on sensitive matters. A Member of Congress may decide that disclosing non-public information during debate or other legislative activities is in the public interest and that disclosure would be protected by the speech and debate clause. GPO cannot second-guess that decision without curtailing that Member's constitutional authority to engage in legislative activities, even if it involves sensitive material or PII.

As a routine matter, we have pre-existing authority to address consistent problems, such as social security numbers in the Congressional Record, or we seek guidance on a case-by-case basis from Congress so we can ascertain their intent. However, GPO cannot always assume that sensitive information was *mistakenly* disclosed because a Member of Congress or committee may have *intentionally* made the information public and that action is entitled to the protection provided by the Constitution.

The need to protect the constitutional prerogatives of Congress, along with the delays created by the House's difficulty in organizing at the beginning of the 118th Congress, led to what may have appeared as a haphazard response in the wake of the release of PII and other sensitive information after the Select Committee ended. As the draft report notes, decisions were required in real time without clear authority or a customer from whom to seek guidance. I believe the Agency did the best it could under the circumstances, but there is always room for improvement.

### Responses to Notable Observations and Considerations for Improvement

#### Disclosure of PII, LES, NSS, and OHS Information

The draft report correctly observes the inconsistency between how GPO responded to the discovery of law enforcement sensitive (LES) material in the Select Committee collection and material labeled as national security sensitive (NSS) or otherwise highly sensitive (OHS). The decisions to remove the LES from public view and as well as to leave the NSS and OHS information in place were ultimately mine and I take responsibility for that inconsistency.



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With respect to the PII material, I was comfortable with the decision to temporarily remove it pending redaction because that action was consistent with the GPO policy regarding high-impact PII, in spirit if not the letter. It was also likely, given the presence of only a comparatively small number of social security numbers among a large universe of redactions, that this was most likely the result of an error on the part of the Archives, rather than an intentional disclosure by Congress.

I was far less comfortable with the decision I made regarding the LES material. At the time I had to make that decision, the Select Committee had expired, CHA had not yet been constituted, and I had strong doubts that the House would be able to form its committees in any reasonable time. While we had some indications from former Select Committee staff that they would support the redaction of the LES material, at that time they had no authority to direct GPO and their advice was essentially that of a well-informed private citizen. It was an extremely close call and I made the decision to remove those documents from public view. I was never fully comfortable with that decision and, if presented with a similar set of facts, I would likely decide differently in the future.

When the OIG brought NSS and OHS material to the Agency's attention, Chairman Steil had been announced, but not yet elected, as chair of CHA. We began conversations with the committee staff as soon as we could, even though the House had not yet formally acted to constitute the CHA. That explains the slight discrepancy noted on page 11 of the draft report. I received general guidance on the handling of all Select Committee issues on January 30, 2023 and we redacted the material shortly thereafter.

While I understand the report's questions about treating the NSS and OHS information differently than the LES information, it comes down to the fact that my discomfort grew with my decision about the LES information and I did not want to repeat the mistake. As we discuss below, I agree that having better guidance from Congress on how to proceed would be helpful in the future should a similar circumstance arise. However, when confronted with a conflict between the Executive Branch's administrative designations of sensitive material and Congress' constitutional protections for legislative activities, I will err on the side of the Constitution.

### Considerations for Improvement

#### CONSIDERATION 1

*Develop and implement a process to more overtly notify customers to review their information for PII and other sensitive information.*

GPO concurs with this suggestion.

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The Agency has started a review of its forms, policies, and procedures to improve notification of our customers of their responsibility to protect PII and sensitive information. Specifically, both format and content edits to the current forms utilized by the GPO to accept and process printing and publishing orders from Congress and other federal entities (GPO Form SF-1 Printing and Binding Requisition and GPO Form 3868, Notification of Intent to Publish) are being considered. The intent is to make clear to our GPO customers and content originators that they have the responsibility to ensure that PII and sensitive information is redacted when appropriate.

Additionally, the GPO is conducting market research on the available commercial technologies that enable the scrubbing of electronic documents that are both “at rest” and “in motion.” The intent is to identify a software driven, commercially developed and supported service that can be integrated into our current workflows enabling another layer of detection and defense, in conjunction with checks by the content originators, during the publication process.

### CONSIDERATION 2

*Obtain written positive confirmation from customers that PII (and other sensitive information) has been sanitized and that they accept responsibility for PII breach notification and response.*

GPO concurs with this suggestion.

The GPO is examining the existing policies and procedures written to provide guidelines for the handling of discovered PII and sensitive information found in documents during the pre-publishing and post-publishing phases of our services (printed and e-published materials). These existing documents under consideration for re-write, improvements and clarifications include GPO Directives, Superintendent of Documents Policies, written instructions and historical guidelines and documents from the Joint Committee on Printing (JCP).

### CONSIDERATION 3

*Propose to congressional oversight that GPO be allowed to proactively pull down PII (and other sensitive information) prior to customer approval. Include a policy that enumerates what GPO will and will not do when a customer is no longer available, as was the case with the Select Committee.*

GPO will discuss this suggestion with its oversight committees.

As described above, we concur that additional guidance or authority may have yielded a more consistent approach to the discoveries of sensitive material discussed in the draft report. However, we recognize that there are significant equities with respect to authority



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under the Constitution for Congress and the executive and judicial branches and any additional policy or authority must fully incorporate the protection of those interests.

### Suggestions for Changes to the Draft Report

#### Text of the Draft Report

The following are specific suggestions for revisions to the text of the draft report that we believe will clarify important points or improve readability:

1. On page 3 of the draft report (line 81), we suggest adding “, according to the White House Counsel’s letter,” after “which”. Unless the OIG has separately confirmed the Select Committee’s position, their agreement was represented by the White House and likely only reflects the White House’s understanding at the time. The Select Committee could have made another decision after the date of the letter. While we later learned that the Select Committee intended to release a far smaller subset of data on the White House visitor log, we are unaware of the Select Committee’s ultimate position on the agreement described by the White House Counsel’s letter.
2. On page 8 of the draft report (line 229) we suggest striking “was in session” and inserting “had organized” as we believe that better describes the status of the House at the time. While the House was in session, it had not yet formed and populated committees.
3. On page 11 of the draft report, footnote 26 states that “CHA Chairman was appointed on January 17, 2023.” We would note that while the Speaker announced his nomination of Mr. Steil as the Chair of CHA on January 17, 2023,<sup>2</sup> the House had not yet elected him to that position. He and the other Members of the committee were formally elected on January 25, 2023.<sup>3</sup> We believe that the footnote should be updated to reflect this distinction.

#### Appendix B: Timeline

1. Page 14 of the draft report (line 456), we suggest changing the language to “J6 Committee adopted and issued its report.” We believe that this is a better description of the procedural status of the report and the fact that it was made publicly available as a PDF file by the Select Committee, though it was not yet printed.

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<sup>2</sup> See Steil to Chair Committee on House Administration, <https://steil.house.gov/media/press-releases/steil-to-chair-committee-on-house-administration>.

<sup>3</sup> See H.Res. 56, 118th Cong., <https://www.govinfo.gov/content/pkg/BILLS-118hres56eh/xml/BILLS-118hres56eh.xml>.



**MEMORANDUM**

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- 2. We suggest adding the following entries to provide context regarding the status of the House of Representatives during the period covered by the timeline:

**Tuesday, January 3, 2023**

- 117th Congress ends and J6 Select Committee sunsets; 118th Congress convenes and House attempts to organize.

**Saturday, January 7, 2023**

- House elects Speaker.

**Monday, January 9, 2023**

- House adopts rules establishing committees, including CHA.

**Tuesday, January 25, 2023**

- House formally elects chair of CHA and populates committee.

Thank you again for the opportunity to review and comment on the draft report. Please feel free to reach out to us with any questions.

  
HUGH NATHANIAL HALPERN

Digitally signed by Hugh N Halpern  
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