EXHIBIT A

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

October 5, 2015

Mr. Austin McChord
Chief Executive Officer
Datto, Inc.
101 Merritt 7, 7th Floor
Norwalk, CT 06851

Dear Mr. McChord:

The Committee on Homeland Security and Governmental Affairs is examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. The Committee has learned that a product offered by Datto, Inc.—the Datto SIRIS S2000[1]—was purchased in 2013 for Secretary Clinton to provide on-site, immediate recovery of backup data in the event that the primary server failed.[2] The Committee is interested in the security and preservation of Secretary Clinton's official records, including whether this backup device was used to back up, recover, or store those records in any manner. I request your assistance with this important inquiry.

Datto, Inc. is "an innovative provider of comprehensive backup, recovery and business continuity solutions used by thousands of managed service providers worldwide," offering cloud, hardware, and software devices.[3] A Datto SIRIS device, like the one acquired for Secretary Clinton, "takes data directly from the server and converts it into virtual machines that can be booted instantly from a remote web interface."[4] Essentially, if the primary server fails, the Datto device acts as a virtual server to allow continued workflow while the primary server is fixed.[5] When acquiring a Datto SIRIS device, Datto offers its clients two options for storing the virtualized backups. The first option is to store the backups on-site on the Datto SIRIS S2000 product itself, creating a private cloud for the data that keeps the data within the customer's control only.[6] The second option is the data can be stored "remotely in Datto's secure cloud."[7]

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[1] According to Datto's website, its SIRIS product supports "business continuity" with server backups, virtualization, and cloud-based accessibility. *See* Datto Siris 2, found at http://www.datto.com/siris.
[2] Platte River Networks Invoice #7942 (May 31, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).
[3] Datto, Inc., About Datto, http://www.datto.com/about.
[4] Datto SIRIS Brochure found at http://www.abletek.com/productcatalog/datto/siris/pdf/DattoSIRISProductBrochure_r2.pdf.
[5] Instant Virtualization, Datto (last accessed on Sept. 23, 2015) http://www.datto.com/technologies/instant-virtualization.
[6] *Id.*
[7] *Id.*

According to information received by the Committee, Platte River Networks (PRN)[8] billed the Clinton Executive Service Corp. (CESC) on May 31, 2013, to acquire a Datto SIRIS S2000 device. CESC appears to be a Clinton family company. According to documents received by the Committee, CESC oversaw contracting for the hardware and software required for Secretary Clinton's private server and email.[9]

When Secretary Clinton's private server was moved from her private residence to the New Jersey-based data center, PRN set up the Datto SIRIS device at this new location.[10] When acquiring the Datto SIRIS product, it appears that CESC representatives worked with PRN employees to determine how the Datto device would back up data on Secretary Clinton's private server.[11] According to documents received by the Committee, CESC chose to only store the backup data on-site on the Datto SIRIS device, thus creating a private cloud managed by PRN.[12] CESC specifically requested that no data be stored on Datto's off-site cloud at any time.[13]

Although Secretary Clinton apparently wanted "Datto options *without* offsite backup," there was confusion among PRN employees when they noticed that data from Secretary Clinton's private server was potentially being sent to Datto's off-site backup location.[14] In

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[8] Platte River Networks was hired by Secretary Clinton in 2013 to maintain the data stored on her private server.
[9] Email from Infograte to Platte River Networks (Apr. 17, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).
[10] Platte River Networks Invoice #33427 (June 15, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).
[11] *See* Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs); Email from Platte River Networks to Platte River Networks (Jan. 26, 2015); Email from Platte River Networks to Platte River Networks (Jan. 26, 2015).
[12] Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs). PRN billed for work installing the device in June 2013. For use of the private cloud capability, Datto charges a monthly fee. Each month beginning in July 2013, PRN billed CESC for "Datto Month of Private Cloud Service." This monthly service fee apparently allowed Secretary Clinton to continually have a backup on a private, virtual cloud on the SIRIS S2000 device. *See* Platte River Networks Invoice #33427 (June 15, 2013); Platte River Networks Invoice #33488 (June 17, 2013); Platte River Networks Invoice #IS.1307006 (July 1, 2013); Platte River Networks Invoice #IB.1308057 (Aug. 5, 2013); Platte River Networks Invoice #IB.1309050 (Sept. 4, 2013); Platte River Networks Invoice #IB.1310031 (Oct. 3, 2013); Platte River Networks Invoice #IB.1311027 (Nov. 5, 2013); Platte River Networks Invoice #IB.1312009 (Dec. 4, 2013); Platte River Networks Invoice #IB.1401012 (Jan. 6, 2014); Platte River Networks Invoice #IB.1402022 (Feb. 3, 2014); Platte River Networks Invoice #IB.1403010 (Mar. 3, 2014); Platte River Networks Invoice #IB.1404011 (Apr. 1, 2014); Platte River Networks Invoice #IB.1405011 (May 1, 2014); Platte River Networks Invoice #IB.1406011 (June 1, 2014); Platte River Networks Invoice #IB.1407012 (July 1, 2014); Platte River Networks Invoice #IB.1408012 (Aug. 4, 2014); Platte River Networks Invoice #IB.1409013 (Sept. 3, 2014); Platte River Networks Invoice #IB.1410015 (Oct. 1, 2014); Platte River Networks Invoice #IB.1411016 (Nov. 3, 2014); Platte River Networks Invoice #IB.1412015 (Dec. 2, 2013); Platte River Networks Invoice #IB.1501015 (Jan. 6, 2015); Platte River Networks Invoice #IB.1502014 (Feb. 2, 2015); Platte River Networks Invoice #IB.1503016 (Mar. 3, 2015); Platte River Networks Invoice #IB.1504014 (Apr. 1, 2015); Platte River Networks Invoice #IB.1505016 (May 1, 2015); Platte River Networks Invoice #IB.1506014 (June 1, 2015); Platte River Networks Invoice #IB.1507017 (July 1, 2015); Platte River Networks Invoice #IB.1508019 (Aug. 1, 2015) (all invoices mentioned on file with the Committee on Homeland Security and Governmental Affairs).
[13] Email from Platte River Networks to Datto, Inc. (June 6, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).
[14] Email from Platte River Networks to Platte River Networks (Aug. 1, 2013) (on file with the Committee on Homeland Security and Governmental Affairs).

August 2015, employees at PRN discovered that Secretary Clinton's private server was syncing with "an offsite sync server . . . belonging to Datto."[15]

PRN employees reached out to Datto to determine if the server was actually sending data from the private server to Datto's off-site cloud for backup. One PRN employee wrote to Datto and stated, "[w]hen we made the purchase [of the SIRIS S2000], it was under the understanding that we didn't want to backup to Datto's [off-site] datacenter."[16] When a Datto employee determined that "for some reason this device [the SIRIS S2000] does appear to be syncing with the Datto Cloud,"[17] another PRN employee bluntly replied, "[t]his is a problem. This data should not be stored in the Datto Cloud . . . ."[18] Whereas CESC specifically requested that no data from Secretary Clinton's private server be backed up off-site, according to this information, it appears that Datto was providing backups for the server "from the beginning" of the contract.[19] Thus, as of August 2015, Datto apparently possessed a backup of the server's contents since June 2013.

In response to this finding, PRN employees directed Datto to not delete the saved data and worked with Datto to find a way to move the saved information on Datto's servers back to Secretary Clinton's private server.[20] According to documents received by the Committee, it appears that Datto and PRN employees discussed an option to save the data on a USB drive, send the USB drive to PRN, and "then wipe [the data] from the [Datto] cloud."[21] Despite these communications, it is unclear whether or not this course of action was followed. Additionally, questions still remain as to whether Datto actually transferred the data from its off-site datacenter to the on-site server, what data was backed up, and whether Datto wiped the data after it was transferred.

It also appears that PRN employees were directed by CESC to reduce how much data would be stored in each backup. In August 2015, a PRN employee raised the prospect that the length of the backups was reduced at some point during PRN's time managing the server. In an email to a colleague with the subject line "CESC Datto," the PRN employee asked if it is possible to use Mimecast,[22] PRN's email archiving system, to find an old email from CESC directing PRN to reduce the length of Datto's backups. He wrote:

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[15] Email from Platte River Networks to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[16] Email from Platte River Networks to Datto, Inc. (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[17] *Id.*
[18] *Id.*
[19] Email from Platte River Networks to Platte River Networks (Aug. 7, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[20] Email from Platte River Networks to Datto, Inc. (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[21] Email from Platte River Networks to Platte River Networks (Aug. 7, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[22] PRN used a Mimecast product that allowed PRN to archive employee emails in a cloud-based server and search that archive as needed. *See* Mimecast, Archiving, Risk & Compliance (last accessed on Sept. 23, 2015) https://www.mimecast.com/solutions/email-archiving-compliance/.

> Any chance you found an old email with their directive to cut the backup back in Oct-Feb. I know they had you cut it once in Oct-Nov, then again to 30days [sic] in Feb-ish. If we had that email, we are golden. Would Mimecast have archived it by chance? Wondering how we can sneak an email in now after the fact asking them when they told us to cut the backups and have them confirm it for our records. Starting to think this whole thing really is covering up some shaddy shit.... I just think if we have it in writing that they told us to cut the backups, and that we can go public with our statement saying we have had backups since day one, then we were told to trim to 30days [sic], it would make us look a WHOLE LOT better.[23]

The State Department formally requested all of Secretary Clinton's records related to her time as Secretary of State on October 28, 2014.[24] It is unclear why Secretary Clinton's representatives apparently directed PRN to reduce the backup time period of her emails around the same time period or in the months following the State Department's request.

In order to better understand Datto's role relating to Secretary Clinton's private server, the backup and security capabilities of the private server, and any directives provided to Datto relating to the server, I ask that you please provide the following information and materials:

1. Please produce all documents and communications between or among employees or contractors of Datto and employees of Platte River Networks, Clinton Executive Services Corp. (CESC), or any other party referring or relating to Secretary Clinton's private server or any backup device.

2. Please produce all contracts between Datto and Platte River Networks, CESC, or any other party referring or relating to Secretary Clinton's private server or any backup device.

3. Please produce all invoices, bills, and receipts prepared by Datto or its representatives or agents regarding Secretary Clinton's private server or any backup device.

4. Please produce all helpdesk, service, or support tickets received by Datto from Platte River Networks, CESC, or any other party related to the Datto device used to backup Secretary Clinton's private server.

5. Is Datto authorized to store classified information? Were any Datto employees authorized to view classified information? Please explain. Did Datto's contract

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[23] Email from Platte River Networks to Platte River Networks (Aug. 19, 2015) (emphasis added) (on file with the Committee on Homeland Security and Governmental Affairs); *see also* Email from Platte River Networks to Platte River Networks (Aug. 18, 2015) (PRN employee believes CESC direction to reduce the length of time backups were kept "was all phone comm[unication]s") (on file with the Committee on Homeland Security and Governmental Affairs).

[24] Letter from Patrick F. Kennedy, Under Secretary, U.S. Department of State, to Cheryl Mills (stamped Nov. 12, 2014) http://www.archives.gov/press/press-releases/2015/pdf/attachment4-clinton-letter.pdf.

regarding Secretary Clinton's private server include provisions related to the storing of classified information?

6. Has Datto been contacted by the Federal Bureau of Investigation (FBI) or any other law-enforcement entity regard Secretary Clinton's private server? Has Datto turned over any information, materials, or equipment to the FBI or any other law enforcement entity? Please explain.

7. Information obtained by the Committee suggests that PRN ordered a new Datto device in 2015 "to turn encryption on for the backups and then to power down the old device."[25] Please explain the measures taken to ensure the security of data stored on the SIRIS S2000 device, the private cloud, and the Datto Cloud.
    a. Was the backup data stored on the private cloud encrypted when the device was first installed in 2013?
    b. Was the backup data stored on the Datto Cloud encrypted?

8. Please explain the process for storing data in the Datto Cloud.
    a. How long is data retained in the cloud?
    b. What happens to the data once the required retention period is reached?
    c. Is the data deleted automatically?
    d. As mentioned above, CESC requested that the retention period for backups be reduced to 30 days. What information would be lost by reducing the backup retention period to 30 days? Please explain.

9. According to documents received by the Committee, Datto was providing off-site, cloud-based, back-up services for data contained on Secretary Clinton's private server.[26]
    a. How much data was stored on Datto's cloud? Please explain.
    b. Was this data eventually moved elsewhere? If so, where and how was this data moved? If the data was moved from Datto's servers, did Datto retain a copy of that data? If Datto retained a copy, please provide this material to the Committee.
    c. Please explain what security measures are in place to protect the data stored on Datto's cloud?
    d. During the time in which Secretary Clinton's private server was backed up on Datto's cloud, did Datto's cloud come under cyberattack? If so, please provide documentation that includes information about the time and date each attack occurred and whether any data was compromised.
    e. According to documents received by the Committee, Datto was not supposed to be storing data from Secretary Clinton's private server as part of the contract.[27] Please explain how and why data was stored on Datto's cloud.

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[25] Email from Platte River Networks to Platte River Networks (Aug. 18, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[26] Email from Channel Sales Executive, Datto, Inc., to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).

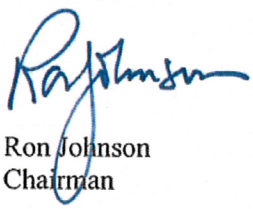
f. As mentioned above, Datto employees reviewed why backups to the Datto cloud were occurring.[28] Please provide any documentation or correspondence related to what these employees found.

Please provide this information and material as soon as possible, but no later than 5:00pm on October 19, 2015. Additionally, I ask that you please provide the Committee with a staff-level briefing to discuss Datto's role in backing up the server.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of Government."[29] Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the effectiveness of present national security methods, staffing and processes…."[30] For purposes of this request, please refer to the definitions and instructions in the enclosure. To the maximum extent possible, please provide unclassified responses to my questions; should a complete response to any question require that you send me classified information, you may send me that information under separate cover, via the Office of Senate Security.

If you have any questions about this request, or concerns about the instructions or requirements in the enclosure, please contact Scott Wittmann or Mike Lueptow of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

Enclosure

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[27] Email from Channel Sales Executive, Datto, Inc., to Platte River Networks (Aug. 6, 2015) (on file with the Committee on Homeland Security and Governmental Affairs).
[28] *Id.*
[29] S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).
[30] S. Res. 73 § 12, 114th Cong. (2015).

Instructions for Responding to a Committee Request
Committee on Homeland Security and Governmental Affairs
United States Senate
114th Congress

A. Responding to a Request for Documents

1. In complying with the Committee's 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. You should also produce 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. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e. CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic form should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

    a. The production should consist of single page Tagged Image Files (".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 should include the following fields of metadata specific to each document:

    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.

e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.

f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.

9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.

10. 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, should be produced immediately upon subsequent location or discovery.

11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.

12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 346 of the Dirksen Senate Office Building.

13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.

Instructions for Responding to a Committee Request

14. 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) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

16. 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 which would be responsive as if the date or other descriptive detail were correct.

17. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.

18. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.

19. Upon completion of the document production, you should 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 which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

B. Responding to Interrogatories or a Request for Information

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.

2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.

3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.

Instructions for Responding to a Committee Request

4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.

5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.

6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts.

7. The request is continuing in nature and applies to any newly discovered knowledge, information, or facts. Any knowledge, information, or facts not provided because it was not known by the return date, should be provided immediately upon subsequent discovery.

8. Two sets of responses should be delivered, one set to the Majority Staff and one set to the Minority Staff. When responses are provided to the Committee, copies should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 346 of the Dirksen Senate Office Building.

9. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.

10. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.

11. If a date or other descriptive detail set forth in this request is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date or other descriptive detail was correct.

12. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.

13. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.

Instructions for Responding to a Committee Request

C. Definitions

1. The term "document" in the request or the instructions 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, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra- office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other 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" in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.

3. The terms "and" and "or" in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify" in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

Instructions for Responding to a Committee Request

6. The terms "referring" or "relating" in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term "employee" in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de fact employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee or subcontractor.

8. The terms "you" and "your" in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

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