

JIM DAVIS
11TH DISTRICT, FLORIDA
www.house.gov/jimdavis/

- WASHINGTON OFFICE:
 409 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3376
- DISTRICT OFFICES:
- 3315 HENDERSON BOULEVARD, #100
TAMPA, FL 33609
(813) 354-9217
(888) 266-0205 FLORIDA TOLL FREE
- 1186 62ND AVENUE SOUTH
ST. PETERSBURG, FL 33705
(727) 867-5301

Congress of the United States
House of Representatives
Washington, DC 20515-0911

March 21, 2006

COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON ENERGY AND
AIR QUALITY
SUBCOMMITTEE ON COMMERCE, TRADE, AND
CONSUMER PROTECTION

Representative Joe Barton
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Representative John Dingell
Ranking Member
House Energy and Commerce Committee
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Barton and Ranking Member Dingell:

During the past year, the House Energy and Commerce Committee heard hours of testimony relating to identity theft. In fact, almost exactly one year ago today, the Committee received testimony from the Chief Executive Officers of ChoicePoint and LexisNexis, two of the largest information services providers in the country. As you are well aware, the breaches in security at these two companies left hundreds of thousands of citizens around the country vulnerable to identity theft, including thousands of individuals in my home state of Florida.

It is with much regret that I write to you today to inform you of another security breach that has affected more than 150,000 Florida state workers. In 2002, the State of Florida awarded a \$280 million contract to Convergys that required the firm to manage the state's payroll records. On December 25, 2005, the *Tallahassee Democrat* reported that two former employees of GDXdata Inc., a partner of Convergys in the project, had sued the company because it improperly sent the records of state employees to companies in India, Barbados and possibly China. State law mandates that all employee records are to stay within the United States.

In the past, the most common form of identity theft appeared to be the result of personal information *purposely* stolen by a perpetrator with the intent of doing harm. However, as the Convergys incident in Florida illustrates, information can be passed outside of our borders with the complete and full knowledge of an information services provider, thereby exposing our citizens to an increased risk of identity theft.

Unfortunately, this Congress has been slow to act and provide citizens with adequate protection from identity theft. The one piece of legislation pending before the Committee is inadequate and would fail to deter errors similar to those at GDXdata, ChoicePoint, or LexisNexis. As Ranking Member Dingell pointed out during the subcommittee's markup of H.R. 4127, the Data Accountability and Trust Act, the bill "does not fix the serious problems with the breach notification trigger or lack of Attorney General enforcement."

I urge the House Energy and Commerce Committee to strengthen the pending identity theft legislation by ensuring that affected consumers are quickly notified of a security breach,

Representative Joe Barton

March 21, 2006

Page 2

more stringent state identity theft laws are not preempted, and that State Attorneys General have the ability to hold companies, such as Convergys, liable for their negligence. Furthermore, I hope that Congress can pass such legislation before the identities of our citizens are again put at risk.

I also request that the House Energy and Commerce Committee conduct an investigation into the outsourcing of personal information to foreign countries with little or no regulations relating to identity theft. Specifically, I am interested in learning about the number of Americans who have unknowingly had their personal information outsourced to another country. In addition, I believe that the Committee deserves to know if there have been any major security breaches in the past as a result of information outsourcing, and if so, how many individuals were affected.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Jim Davis". The signature is written in a cursive style with a large, stylized "J" and "D".

Jim Davis
Member of Congress

JOD:pfg