

# Media Advisory

## JPL Employees Call for Congressional Investigation into NASA Privacy Breach

**(do not release until Wednesday, November 28, 2012)**  
**Press Conference: Wednesday Nov 28 10 AM PST**  
At the offices of **Hadsell, Stormer, Richardson & Renick, LLP**  
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Employees at the National Aeronautics and Space Administration's Jet Propulsion Laboratory in Pasadena have called for an immediate Congressional investigation into NASA's behavior in handling their personal data following the October 31 theft of a NASA laptop computer left unattended in a parked car in Washington DC. NASA waited two weeks before informing its employees that their personal information had been compromised and that they have been placed at risk of identity theft. The data on the stolen NASA laptop was not encrypted.

The employees have asked Congress to conduct an investigation into NASA's cavalier disregard for protecting the personal information of NASA's present and past employees and contractors. More than 10,000 employee personal files have been placed at risk. "It is outrageous that low risk employees have to needlessly reveal highly personal information. To add insult to injury, NASA recklessly allows repeated releases of this private information. This is a scandal and a shame." says Dan Stormer, attorney for the employees. Mr. Stormer argued *NASA v. Nelson* in the United States Supreme Court.

In communications sent to Representatives Judy Chu, Adam Schiff, David Dreier and Howard Mckee, the employees noted their past unsuccessful legal efforts to protect their privacy. They said, "One of the principal objections we raised in this legal matter was NASA's inability to protect in a secure fashion any private information that they might gather about our private lives. Now, unfortunately, by virtue of the cavalier behavior of a NASA bureaucrat our argument has been proven. We therefore request that you institute a congressional investigation into NASA's behavior in this unsavory affair."

### Background

Recently, tens of thousands of NASA present and former employees and contractors received a communication from NASA informing us that a laptop computer issued to a NASA employee in Washington had been stolen last Oct 31 after being left in a parked car. The official communication that was sent to the NASA present and former employees can be found at: <http://spaceref.com/news/viewsr.html?pid=42609> Further investigation revealed that the highly personal and sensitive information maintained by NASA and stored on the laptop was NOT encrypted and was simply password protected. Some of this information includes material gathered by background investigators such as the type required by Homeland Security Presidential Directive #12. These investigations probe into the most intimate details of an employee's private life. The preliminary incident report describing the laptop theft can be found at: [https://answers.nssc.nasa.gov/app/answers/detail/a\\_id/6270/~/\\_/what-are-the-details-regarding-the-stolennasa-laptop%3F](https://answers.nssc.nasa.gov/app/answers/detail/a_id/6270/~/_/what-are-the-details-regarding-the-stolennasa-laptop%3F). Five years ago, 28 employees at NASA's Jet Propulsion Laboratory and received

protection by injunction from overreaching and unnecessary HSPD12 background investigation from the Ninth Circuit Court of Appeals. The Ninth Circuit Court ruled that such background investigations must be narrowly tailored to meet NASA's specific concerns. Open ended fishing expeditions were ruled out. Unfortunately, this injunction was overturned by the United States Supreme Court in *NASA v. Nelson* 131 S. Ct. 746 (2011) after NASA supposedly changed its background inquires and claimed that the protections of the Privacy Act would protect disclosure. The employee's attorneys cited to the court numerous incidents in which there was unwarranted disclosure. NASA maintained those were aberrations. Clearly, in light of the recent disclosures, this is not true. The open ended and unconstrained investigations into the most intimate details of the private lives of all JPL employees were complete or nearly complete by June 1 of this year. All documents relevant to the JPL employee's case are found at the website [HSPD12JPL.org](http://HSPD12JPL.org).