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July 9, 2010

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Mr. Michael Bradshaw
Director, Google Federal
Google, Inc.
1818 Library Street
Suite 400
Reston, VA 20190

Dear Mr. Bradshaw:

Thank you for your testimony at the July 1, 2010, Committee on Oversight and Government Reform hearing entitled, "Cloud Computing: Benefits and Risks of Moving Federal IT into the Cloud."

As you may know, any email sent or received by White House officials may be subject to retention under the Presidential Records Act (PRA).¹ However, the use of personal email accounts, such as Gmail, to conduct official business raises the prospect that presidential records will not be captured by the White House email archiving system. In addition, the growth of social media – such as Facebook, Twitter, and G-chat – and mobile technologies – including laptops, handheld mobile devices, and iPads – pose new challenges for capturing communications under the PRA.

Problems with the White House email archiving system plagued both the Clinton and Bush Administrations,² and difficulties with PRA-compliance have already emerged in this Administration. In April it was revealed that Office of Science and Technology Policy (OSTP) Deputy Chief Technology Officer, Andrew McLaughlin, used his personal email account to engage in official business, including discussions on policy matters under his review with his former employer, Google, Inc. On June 24, 2010, the *New York Times* reported that "lobbyists say that they routinely get e-mail messages from

¹ 44 U.S.C. § 2201 *et seq.*

² General Accounting Office (GAO), Clinton Administration's Management of Executive Office of the President's Email System, GAO-01-446, April 2001 (GAO was renamed Government Accountability Office in 2004); R. Jeffrey Smith, *Missing White House Emails Trace, Justice Aide Says*, WASH. POST, Jan. 15, 2009, at A9 (hereinafter Smith, Jan. 15, 2009).

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White House staff members' personal accounts rather than from their official White House accounts."³

Accordingly, as I requested at the hearing, please respond to the following questions for the record.

1. Identify and describe Google, Inc.'s policy for retaining electronic records, such as emails transmitted through the public Gmail system.
2. How long are emails retained or retrievable after a user deletes an email from their public Gmail account?
3. Identify and describe Google, Inc.'s procedures for complying with subpoenas from law enforcement agencies.
4. Has the White House or any federal agency contacted Google about retention of emails sent by personnel covered by the PRA or Federal Records Act?

Please provide your written responses no later than July 20, 2010. If you have any questions regarding this request, please contact John Ohly or Steve Castor of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Ranking Member

cc: The Honorable Edolphus Towns, Chairman

³ Eric Lichtblau, N.Y. TIMES, *Across From the White House, Coffee with Lobbyists*, (June 24, 2010) available at <http://www.nytimes.com/2010/06/25/us/politics/25scaribou.html> (hereinafter Lichtblau, June 24, 2010.)