

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop N2-20-16
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs/Freedom of Information Group

January 11, 2018

Dr. Orly Taitz, Esq.
29839 Santa Margarita Parkway, Suite 100
Rancho Santa Margarita, California 92688

Re: FOIA Request of Orley Taitz
CMS Case No. 010320147014

Dear Dr. Taitz:

This letter is in response to your Freedom of Information Act (FOIA) (5 U.S.C. §552) request of December 23, 2013. In your request, you sought access to the following records:

[A]ny and all documentation showing how DHHS verifies Social Security numbers of applicants for ACA/Obamacare.

This letter is to advise you that the records responsive to your request are currently in litigation. The plaintiff in this lawsuit has stipulated that certain records as determined by CMS would expose telecommunications vulnerabilities to security safeguards, and will be excised as nonresponsive. If you will agree to the same stipulation, CMS can begin producing records that are responsive to your FOIA Request. Attached is a Stipulation regarding the records that CMS is requesting be excluded from your FOIA Request as nonresponsive. You will see that this Stipulation excludes computer code and other sensitive records and information that could assist a malicious actor in attacking the Healthcare.gov website.

If you are in agreement, please sign and date the attached Stipulation. If we have not received a response from you within thirty (30) days of the date of this letter, we will assume you are no longer interested in pursuing your FOIA request, and your FOIA request will be administratively closed. You may return the executed Stipulation by e-mail to my attention at Paul.Levitan@cms.hhs.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Levitan", with a long, sweeping horizontal line extending to the right.

Paul Levitan, Director
FOIA Group
Division of Analysis – B

Enclosure

FOIA Request of Orly Taitz
CMS Case No. 010320147014

STIPULATION REGARDING
EXCLUSION OF RECORDS FROM FOIA REQUEST

I, Orly Taitz, agree that certain records will be excluded from my December 23, 2013 FOIA Request. CMS has determined that these records consist of computer code and other sensitive records that could assist a malicious actor in attacking the Healthcare.gov website. Some of the records requested, if disclosed, could jeopardize the security of personally identifiable information (PII) on the Healthcare.gov website. These records concern a variety of computer security-related information that may appear innocuous by itself, but would be sensitive when combined with other records and information. Such aggregation could leave the Healthcare.gov website vulnerable to attack by those with malicious intent. The records to be excluded from my FOIA Request include, but are not limited to:

- Log Files such as access and error logs;
- System Architecture and configurations such as Server Hardware profiles; interconnections, Software design, source code;
- Security Software type and configuration;
- Change management actions and change logs;
- Web analytics, traffic analysis and user statistics;
- Risk Management plan and incident response plans;
- Project schedules;
- Web application requirements;
- Databases and Entity-Relationship Diagrams;
- Security control assessments, vulnerabilities and weaknesses;
- Stack diagrams, flow charts;
- Bug tracking database, patch management status and change requests;
- Access policy; and
- Testing procedures such as user acceptance test plans.

AGREED AND STIPULATED TO:



Orly Taitz

This 01 day of 20, 2018.

Please, note correct spelling is
Orly Taitz, not Orley Taitz