

Congress of the United States

Washington, DC 20515

April 3, 2025

Loren Scieurba
Deputy Inspector General
Treasury Office of Inspector General
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Robert C. Erickson
Deputy Inspector General
GSA Office of Inspector General
1800 F Street, N.W.
Washington, D.C. 20405

Dear Deputy Inspectors General Scieurba and Erickson:

We write to request that you immediately open an investigation into the unauthorized and harmful actions of a former Treasury employee affiliated with the Department of Government Efficiency (DOGE), who shared a spreadsheet containing personally identifiable information (PII) with officials at the General Services Administration (GSA). Such an investigation is especially imperative as we determine the extent to which federal privacy laws were violated and how individual Americans were adversely affected.

On January 31, reports emerged that government employees affiliated with DOGE, a new agency created by the Trump Administration and headed by Elon Musk, had received unprecedented access to payment systems at the Bureau of the Fiscal Service (BFS), located within the Department of Treasury.¹ BFS payment systems process an average of roughly \$200 billion in payments a day, compromising nearly 88 percent of all federal payments.² These payments are made to a range of entities, including individual Americans for Social Security or tax refunds and organizations like contractors and educational institutions. Alarming, the federal judiciary and Congress also receive funding through these systems, despite the Constitution's separation of powers doctrine.³ BFS's payment systems are of critical importance to our national security and economy, and the data processed by those systems are highly sensitive.

One DOGE employee combing through Treasury payment data was Marko Elez, an unvetted programmer who was granted access to payment systems by high-ranking BFS officials while his security clearance process was still ongoing. Mr. Elez resigned from his Treasury post after just a couple of weeks once reports surfaced about his history of racist comments on social media. Notably, Mr. Elez has reportedly been rehired by the Administration to work at the Department of Labor.⁴

Although Mr. Elez had a short tenure with Treasury, he had enough time to skirt BFS cybersecurity regulations and commit likely violations of the Privacy Act of 1974, which prohibits agencies from disclosing PII to third-parties, including other federal agencies, without obtaining written consent from individuals. In a recent legal filing regarding DOGE's access to Treasury systems, BFS's Chief Privacy Officer (CPO) stated that Elez "sent an email with a spreadsheet containing PII to two United States General Services Administration officials."

¹ Ed Pilkington, "Elon Musk's Doge team granted 'full access' to federal payment system," The Guardian, February 2, 2025, <https://www.theguardian.com/technology/2025/feb/02/elon-musk-doge-access-federal-payment-system>.

² Jacob Leibenluft, "'DOGE' Access to Treasury Payment Systems Raises Serious Risks," Center on Budget and Policy Priorities, February 11, 2025, <https://www.cbpp.org/research/federal-budget/doge-access-to-treasury-payment-systems-raises-serious-risks>.

³ Department of the Treasury, Bureau of the Fiscal Service, "Monthly Treasury Statement: Receipts and Outlays of the United States Government For Fiscal Year 2025 Through February 28, 2025, and Other Periods," <https://fiscal.treasury.gov/files/reports-statements/mts/mts0225.pdf>.

⁴ Kyle Cheney and Josh Gerstein, "DOGE's Marko Elez is back on U.S. payroll," Politico, March 29, 2025, <https://www.politico.com/news/2025/03/29/doge-marco-elez-software-engineer-us-payroll-00259303>.

According to the CPO, the spreadsheet “detailed a name (a person or an entity), a transaction type, and an amount of money.” The official further declared that Elez did not obtain prior approval to share the data nor did he bother to encrypt the spreadsheet, a basic practice in information security. Elez did all this in spite of receiving a briefing on BFS’s cybersecurity and PII rules just days before he shared the spreadsheet.⁵

Under the Privacy Act, which was passed in the wake of the Watergate scandal to protect Americans’ privacy, federal agencies may not disclose records contained within a system of records to third parties without an individual’s prior written consent, subject to certain exceptions.⁶ Moreover, case law supports the proposition that information taken from a record maintained in a system of records—say, a few data points pulled from a larger record—are subject to this disclosure requirement, even if this information is incorporated into a new document that is not itself maintained in the system.⁷ With this understanding, Elez’s compilation of names, transaction types, and payment amounts into a spreadsheet, even if not entire records from Treasury systems, and subsequent disclosure to GSA officials constitutes a likely violation of the Privacy Act.

But the Privacy Act does more than restrict unauthorized disclosure of sensitive information. It also provides civil remedies to Americans, including compensatory relief in the form of monetary damages, when an agency violates Privacy Act requirements “in such a way as to have an adverse effect on an individual.”⁸ If Elez’s illegal disclosure of PII has caused harm to individuals, they may have grounds to seek monetary damages from the government.

The risks of the Trump Administration weaponizing its access to harm individuals, including by coercing, disappearing, or otherwise targeting individuals and organizations, is not speculative. The Internal Revenue Service (IRS), another Treasury office, is reportedly nearing an agreement with the Department of Homeland Security (DHS) to provide access to taxpayer data under the auspices of fighting illegal immigration.⁹ Such an agreement coincides with the Trump Administration’s aggressive expansion of its domestic surveillance activities, including its disappearing of Mahmoud Khalil, a legal permanent resident who has not been charged with a crime.¹⁰ The Administration has also weaponized its access to contracting data, reportedly coercing a private security firm into allowing DOGE officials to illegally enter the U.S. Institute of Peace by threatening to pull every one of the company’s federal contracts.¹¹

We are pleased that Inspectors General (IGs) and Acting IGs across the government, including Deputy IG Scieurba, are recognizing the serious, emerging risks of the Administration’s actions to Americans’ privacy and responding accordingly.¹² These IGs have committed to incorporating concerns expressed by Congressional

⁵ *State of New York, et al. v. U.S. Department of the Treasury, et al.*, No. 1:25-cv-1144-JAV (S.D. NY. Mar. 14, 2025) <https://storage.courtlistener.com/recap/gov.uscourts.nysd.636609/gov.uscourts.nysd.636609.116.1.pdf>.

⁶ 5 U.S.C. § 552a(b).

⁷ *Jacobs v. National Drug Intelligence Center*, 423 F.3d 512 (5th Cir. 2005), holding that the Privacy Act applied to an agency’s disclosure of an executive summary that included information from records contained in a system of record, even though the summary itself was not contained in the agency’s system of records.

⁸ 5 U.S.C. § 552a(g)(1)(D).

⁹ Kevin Liptak, “IRS nearing agreement to use its data to help ICE locate undocumented migrants,” CNN, March 23, 2025, <https://www.cnn.com/2025/03/23/politics/irs-ice-data-undocumented-immigrants/index.html>.

¹⁰ Jake Offenhardt, “Immigration agents arrest Palestinian activist who helped lead Columbia University protests,” AP News, March 9, 2025, <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdcae7a8>.

¹¹ Karen DeYoung and Derek Hawkins, “DOGE plays hardball in U.S. Institute of Peace takeover,” The Washington Post, March 19, 2025, <https://www.washingtonpost.com/national-security/2025/03/18/doge-institute-of-peace-takeover-musk-trump/>.

Democrats into short- and long-term information technology and financial system audits.¹³ Congress and the public must fully understand the extent to which this Administration has improperly granted access to critical systems and sensitive data.

In this spirit of independent oversight, we urge you to immediately initiate an investigation into Marko Elez's unauthorized and potentially illegal disclosure of sensitive Treasury data to GSA officials. Your investigation should address the following questions:

1. How many individuals had PII contained in the spreadsheet that Mr. Elez sent to GSA officials?
2. For individuals whose PII was included in the spreadsheet, did Mr. Elez or BFS obtain their written consent prior to disclosing the information to GSA?
3. Have these individuals been contacted by BFS regarding the unauthorized disclosure of their PII?
4. How many entities were named in the spreadsheet? In which sectors of the economy do these entities operate in?
5. What was the list of payment types described in the spreadsheet? Do these types pertain to specific benefits programs, grants, or contracts?
6. What justification was made by BFS officials for granting Mr. Elez access to payment systems while his security clearance process was still ongoing?
7. What security controls has Treasury implemented to mitigate the future risks of unauthorized disclosure in response to this incident?
8. What are the employee statuses of the two GSA officials who received the spreadsheet? What is the status of their security clearances?
9. What actions did these officials take upon receiving the spreadsheet? Did they open the spreadsheet? Did they disseminate its contents, in any form or through any medium (i.e. email, electronic messaging, fileshare, physical download), to any other employees or third-party entities?

We thank you for your continued attention to preventing the abuse of Americans' privacy.

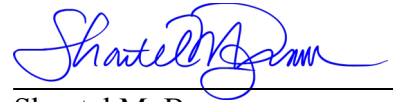
Sincerely,

¹² Deputy Inspector General Loren J. Sciarba, "Letter to the House Committee on Oversight and Government Reform," Office of Inspector General of the Department of the Treasury, February 13, 2025, <https://fedscoop.com/wp-content/uploads/sites/5/2025/02/Signed-Final-Re-Access-HOGR.pdf>.

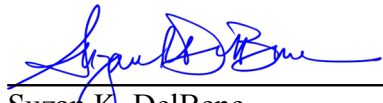
¹³ Acting Inspector General Norbert E. Vint, "Letter to the House Committee on Oversight and Government Reform," Office of the Inspector General of the U.S. Office of Personnel Management, March 7, 2025, <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/hogr-minority-final.pdf>.



Lori Trahan
Member of Congress



Shontel M. Brown
Member of Congress



Suzan K. DelBene
Member of Congress