

February 6, 2018

The Honorable Michael Crapo, Chairman  
The Honorable Sherrod Brown, Ranking Member  
Senate Committee on Banking, Housing, & Urban Affairs  
534 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

We write to call your attention to recent news reports that the Consumer Financial Protection Bureau (“CFPB”) has ended the investigation into the 2017 Equifax data breach. Several sources have reported that Acting Director Mulvaney failed to seek subpoenas or obtain sworn testimony from Equifax executives. It appears that Mr. Mulvaney also ended plans to test Equifax’s security systems, and rejected offers from regulators to assist with the investigation.<sup>1</sup>

The Equifax data breach impacted 145.5 million Americans. Authenticating details, including SSNs and DOBs, were compromised. On October 17, 2017, EPIC testified before this Committee on the Equifax breach and the need to strengthen data protection safeguards for American consumers.<sup>2</sup> We also warned that the data breach, which likely originated overseas, posed a direct threat to national security.

If the reports are accurate, Director Mulvaney’s failure to pursue a thorough investigation of the Equifax matter verges on malfeasance. We urge the Committee to undertake a thorough investigation of the CFPB’s handling of this matter.

Sincerely,

/s/ Marc Rotenberg  
Marc Rotenberg  
EPIC President

/s/ Christine Bannan  
Christine Bannan  
EPIC Administrative Law and Policy Fellow

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<sup>1</sup> Patrick Rucker, *Exclusive: U.S. consumer protection official puts Equifax probe on ice – sources*, Reuters (Feb. 5, 2018), <https://www.reuters.com/article/us-usa-equifax-cfpb/exclusive-u-s-consumer-protection-official-puts-equifax-probe-on-ice-sources-idUSKBN1FP0IZ>.

<sup>2</sup> Testimony and Statement for the Record of Marc Rotenberg, EPCIC President, “Hearing on Consumer Data Security and Credit Bureaus” before the Committee on Banking, Housing, and Urban Affairs, United States Senate (Oct. 17, 2017), <https://epic.org/privacy/testimony/EPIC-Testimony-SBC-10-17.pdf>.