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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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September 11, 2006

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BUD ALBRIGHT, STAFF DIRECTOR

Ms. Patricia Dunn
Chairman of the Board
Hewlett-Packard Company
3000 Hanover Street
Palo Alto, CA 94304-1185

Dear Ms. Dunn:

During the past seven months, the Committee on Energy and Commerce, pursuant to its jurisdiction over telecommunications, the Internet, consumer protection, and interstate commerce, has been conducting an investigation of the activities of Internet-based data brokers who use lies, fraud, and deception to procure personal consumer information, including customer proprietary network information (CPNI) that is compiled by cell phone carriers. For a relatively modest fee, a purchaser can get access to: itemized incoming and outgoing call logs for cell phone numbers, landline numbers, or voice-over-Internet-protocol (VOIP) numbers; unpublished phone numbers; addresses; and other personal data – without any notice to and consent by the owners of those numbers.

According to a September 6, 2006, filing by the Hewlett-Packard Company (HP) with the Securities and Exchange Commission (SEC), as HP's Chairman of the Board, you initiated an investigation into leaks of confidential information concerning the internal deliberations of the Board of Directors during 2005 (the Leak Investigation). According to HP's filing, "the Chairman of the Board, and ultimately an internal group within HP, working with a licensed outside firm specializing in investigations, conducted investigations into possible sources of the leaks of confidential information at HP."

Further, on May 18, 2006, HP Board Member Thomas J. Perkins resigned, reportedly in "frustration" with your handling of the internal investigation. HP's SEC filing also disclosed that HP told Mr. Perkins that "some form of pretexting for phone record information, a technique used by investigators to obtain information by disguising their identity, had been used." Upon further inquiry by HP's Nominating and

Governance Committee (the Committee Inquiry), it was found that “HP had engaged an outside consulting firm with substantial experience in conducting internal investigations and that this firm had retained another party to obtain phone information concerning certain calls between HP directors and individuals outside HP.” Additionally, press reports in recent days have reported that HP also procured the personal telephone records of as many as nine journalists during the Leak Investigation.

The Committee is troubled by this information, particularly given that it involves HP – one of America’s corporate icons – using pretexting and data brokers to procure the personal telephone records of the members of its Board of Directors and of other individuals without their knowledge or consent. Accordingly, we request that, pursuant to Rules X and XI of the U.S. House of Representatives, you provide the following records and information detailed below on or before Monday, September 18, 2006:

1. The name and identity of the outside consulting firm cited to in HP’s September 6, 2006, filing with the SEC (the outside consulting firm), and of any other outside consultants who were hired by HP to assist in conducting the Leak Investigation.
2. Copies of any contracts, letters of engagement, and investigative plans related to the Leak Investigation that was conducted by the outside consulting firm or by any other party.
3. The names and identities of all third parties, whether hired directly by HP or by HP’s outside consulting firm, who were used during the leak investigation to procure, or to attempt to procure, telephone records and other personal consumer information of any targets or subjects of the Leak Investigation.
4. A list of all individuals or entities that were targets or subjects, or designated as targets or subjects, of the Leak Investigation.
5. A list of all individuals, including HP employees, who were involved with conducting the Leak Investigation or who had contemporaneous knowledge of the Leak Investigation.
6. A list of all individuals or entities whose telephone records or other personal consumer information were procured or attempted to be procured by the outside consulting firm or by any other party during the period January 1, 2005, to the present.

7. A list of all individuals whose telephone records or other personal consumer information were procured by the outside consulting firm or by any other party during the period January 1, 2005, to the present. For each individual, describe the types of records that were procured.
8. Copies of all reports prepared for the Leak Investigation by the outside consulting firm or by any other party, including any and all analyses or opinions regarding the appropriateness or legality of pretexting.
9. A copy of the letter of engagement with the law firm Wilson Sonsini Goodrich & Rosati regarding the Committee Inquiry.
10. Copies of all reports prepared for the Committee Inquiry, including any report prepared by the firm Wilson Sonsini Goodrich & Rosati.
11. Copies of all draft and final Board minutes that relate to either the Leak Investigation or the Committee Inquiry.

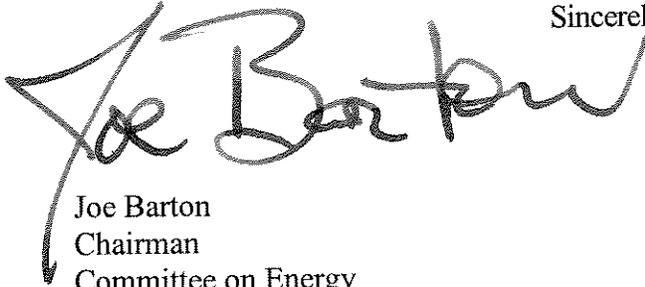
Further, we request you provide the following records and information detailed below on or before Monday, September 25, 2006:

12. All records relating to either the Leak Investigation or Committee Inquiry, including but not limited to communications to or from the outside consulting firm, communications by or between HP employees or Board Members, and communications to or from the outside counsel. Please do not provide any copies of the actual telephone records or any other records procured.

Ms. Patricia Dunn
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Additionally, Committee staff will be contacting you to schedule an interview related to these matters. If you have any questions, please contact Tom Feddo of the Committee on Energy and Commerce Majority staff at (202) 225-2927 or Consuela Washington of the Minority staff at (202) 225-3641.

Sincerely,



Joe Barton
Chairman
Committee on Energy
and Commerce



John D. Dingell
Ranking Member
Committee on Energy
and Commerce



Ed Whitfield
Chairman
Subcommittee on Oversight
and Investigations



Bart Stupak
Ranking Member
Subcommittee on Oversight
and Investigations

Attachment

ATTACHMENT

1. The term “records” is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms “relating,” “relate,” or “regarding” as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.
3. The term “personal consumer information” includes, but is not limited to, landline telephone numbers and accounts, non-published or unlisted telephone numbers, credit card billing statements, customer name and address (CNA) information, utility bills and account information, pager numbers, cell phone “ping” (location), disconnected telephone numbers, social security numbers, credit reports, post office box information, bank account and asset information, and other consumer proprietary network information (CPNI).