

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, *et al.*,

Defendants.

Civil Action No. 1:17-cv-1398 (RCL)

NOTICE OF DELETION

Defendants respectfully submit a declaration from Charles C. Herndon, Director of White House Information Technology, which was filed in a related case, *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity* (“*EPIC v. PACEP*”), No. 17-1320 (CKK), ECF No. 64-1, confirming the deletion of the state voter data collected by the former Presidential Advisory Commission on Election Integrity.

Dated: August 29, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

ELIZABETH J. SHAPIRO
Deputy Director

/s/ Joseph E. Borson
CAROL FEDERIGHI
Senior Trial Counsel
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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 29, 2018, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing to the parties.

/s/ Joseph E. Borson
JOSEPH E. BORSON

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, *et al.*,

Defendants.

Civil Action No. 1:17-cv-1320 (CKK)

FIFTH DECLARATION OF CHARLES C. HERNDON

I, Charles C. Herndon, declare as follows.

1. As I have described in my previous declarations,¹ I am the Director of White House Information Technology (“WHIT”) and Deputy Assistant to the President. I am the senior officer responsible for the information resources and information systems provided to the President, Vice President, and Executive Office of the President. I report to the White House Deputy Chief of Staff and Assistant to the President for Operations, and through him to the Chief of Staff and the President. I am part of what is known as the White House Office. This

¹ I previously submitted a declaration in this action that was filed on July 17, 2017, ECF No. 38-1. I also submitted a declaration that was filed on January 9, 2018, in *Dunlap v. Presidential Advisory Commission on Election Integrity*, No. 17-cv-2361 (CKK) (D.D.C.) (“Second Declaration”), and another declaration that was filed on January 16, 2018, in *Joyner v. Presidential Advisory Commission on Election Integrity*, No. 170-cv-22568-MGC (S.D. Fla.), ECF No. 82-2 (“Third Declaration”), and finally, in this action, on July 17, 2018, ECF No. 61-1 (“Fourth Declaration”).

declaration is based on my personal knowledge and upon information provided to me in my official capacity.

2. Following the consent of plaintiffs in this and other litigation, and the direction of litigation counsel, I instructed my staff to delete the state voter data that was provided to the former Presidential Advisory Commission on Election Integrity. The voter data that was provided was stored in an application database that was provisioned exclusively for the collection and analysis of the voter data. The voter data was deleted from this application database on August 2, 2018. At that point, the data was inaccessible to all users and applications. Accordingly, for practical purposes, I consider the data deleted as of August 2. As is common when deleting files, fragments of this data may have still existed in unused spaces on the hard drives on which it was stored.² Those encrypted fragments were overwritten as of August 16, 2018, and are entirely deleted and unrecoverable at this time. In addition, as of August 16, 2018, all fragments of the data that may have existed on automated back-up systems have been overwritten and are, therefore, not recoverable.

3. The voter data received by my office, and deleted as described above, were data provided by those jurisdictions as identified in the document index filed in *Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, No. 17-cv-1354 (CKK), ECF No. 33-3.

² Data in an isolated application database of the type at issue here is split apart and stored across different hard drives to improve both efficiency and security.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17 day of August 2018.



Charles C. Herndon