

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

TRUE THE VOTE, INC., )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. 13-734 (RBW)  
 )  
INTERNAL REVENUE SERVICE, et al., )  
 )  
Defendants. )

DECLARATION OF STEPHEN L. MANNING

1. I am currently employed by the Internal Revenue Service in the Information Technology business unit. I have been employed by the Internal Revenue Service in a variety of positions of increasing responsibility since 2009.
2. My current position is Deputy Chief Information Officer for Strategy & Modernization, in which capacity I oversee, amongst other organizations, the User and Network Services organization in Information Technology.
3. I have been in my current position since May of 2013. During the time period of June - September of 2011, my position at the Internal Revenue Service was Associate Chief Information Officer, Enterprise Networks.
4. The Internal Revenue Service operates an IT Help Desk that receives complaints and inquiries from employees experiencing technology problems. The Help Desk creates tickets to record the issues reported and the resolution of those issues, and



those tickets are maintained in the regular course of business by the Internal Revenue Service.

5. According to the Help Desk ticket assigned to a complaint received by the Help Desk on June 13, 2011 regarding the operation of the laptop computer assigned to Lois Lerner (hereinafter "June 13<sup>th</sup> Help Desk Ticket"), an Information Technology Specialist (Customer Support) (hereinafter "the Specialist") was assigned and inspected the laptop assigned to Lois Lerner and determined that the hard drive on the laptop was not operating properly.
6. Because the Internal Revenue Service IT inventory control system does not place bar code property tags on computer component parts like the hard drive and because the Internal Revenue Service has no business purpose for recording the serial numbers of the numerous internal component parts of desktop and laptop computers, to the best of my knowledge no one at the Internal Revenue Service has first-hand knowledge of the serial number on the hard drive that was in the laptop computer assigned to Lois Lerner at the time of the Help Desk complaint on June 13, 2011.
7. In response to recent inquiries made by the Internal Revenue Service to the 3<sup>rd</sup> party IT hardware support vendor who supplied the laptop computer at issue, the 3<sup>rd</sup> party vendor advised the Internal Revenue Service that the hard drive that

was in the computer assigned to Lois Lerner when the Specialist responded to the June 13, 2011 Help Desk call contained the serial number 2AGAH01E1XN00N.

8. According to the June 13<sup>th</sup> Help Desk Ticket, after determining that there were problems with the operation of the hard drive, the Specialist made the initial efforts at data preservation and/or data recovery with respect to the hard drive in Lois Lerner's laptop computer and all of the Specialist's efforts to recover any data were unsuccessful.
9. According to the June 13<sup>th</sup> Help Desk Ticket and communications received from the IT personnel involved, the Specialist removed the hard drive with the above-referenced serial number from the laptop, replaced it with a new hard drive, and returned the laptop to Ms. Lerner.
10. According to communications between employees of the User and Network Services branch and a Senior Investigative Analyst with the Electronic Crimes unit of the Criminal Investigation Division of the Internal Revenue Service, the original hard drive with the above-referenced serial number was delivered to the Internal Revenue Service Criminal Investigation Division Electronic Crimes Forensic Laboratory for additional efforts to recover data from the malfunctioning hard drive.
11. According to Internal Revenue Service official personnel records, the Specialist is currently a GS-11 employee within

the User and Network Services branch of the Information Technology business unit of the Internal Revenue Service, and has been employed by the Internal Revenue Service since September of 2007, when hired as a GS-05 Information Technology Specialist.

12. According to Internal Revenue Service official personnel records, the Specialist has been promoted three times, to a GS-07 Information Technology Specialist in 2008, to a GS-09 Information Technology Specialist in 2009, and to the current position as a GS-11 Information Technology Specialist (Customer Support) in 2010.

13. According to the IRS Enterprise Learning Management System, the Specialist has received regular IT technical training going back to 2008. This training includes Data Security in Outlook 2003 (2009), Information Security and the Internet (2010), ITAMS P1/P2 Ticket Quality Improvement Initiative Briefing (2009), Securing and Troubleshooting Networks (2010), Removable Media Usage Security Guidelines (2011), Planning for Exchange Server 2010 (2011), Minimum Requirements for Windows Server Health (2011), Troubleshooting Windows 7 Client Configuration (2011), Configuring Hardware and Applications in Windows 7 (2011), Designing Windows 7 Client Configuration (2011), Customizing Windows 7 (2011), Installing, Upgrading, and Migrating to Windows 7 (2011),

TestPrep 70-685 PRO: Windows 7, Enterprise Desktop Support Technician (2011), Setting Up and Securing Windows 7 (2011), KISAM Service Manager (SM) - Incident Management (2012), Identifying and Resolving Windows 7 Application Issues (2013), Determining Application Compatibility for Windows 7 (2013), and Supporting Users - Windows 7 (2013).

14. According to the Specialist, prior to joining the Internal Revenue Service, from 2004 to 2005, formal Microsoft training was completed through Lions World Services for the Blind, a certified Microsoft training and testing center, which included the following curriculum: CompTia A+ Hardware 2000, CompTia A+ Software 2000, Microsoft MCP 2000, Microsoft MCSE 2000, Microsoft MCSA 2000, and Microsoft MCSA 2003 Messaging.
15. According to the assigned Senior Investigative Analyst in the Criminal Investigation Division, and to the best of my knowledge according to communications with IT personnel involved, because the Criminal Investigation Division exhausted their abilities at attempting to recover data from the hard drive without any success, the malfunctioning hard drive was returned to the User and Network Services branch of the Internal Revenue Service Information Technology business unit.


16. The Internal Revenue Service IT inventory control system uses bar code property tags that are placed only on "whole" equipment and not on component parts. For instance, inventory bar code tags are placed on laptop computers, desktop computers, printers, monitors, FAX machines, amongst other items, but not on keyboards, computer mouse devices, speakers, or component parts such as internal hard drives, "mother boards," and external DVD reader drives.
17. To the best of my knowledge according to discussions between the IT personnel involved, when the User and Network Services branch received the hard drive back after determination that it was no longer operational and that no data was able to be recovered, in accordance with standard Internal Revenue Procedure disposal procedures for any equipment with data storage capability and to protect against any possible disclosure of 6103 taxpayer information the hard drive was degaussed and then batched with other miscellaneous equipment (equipment whose inventory is not tracked by bar code tags) and transferred to an external recycling contractor for destruction and recycling.
18. Degaussing is a process which involves using a device employing magnetism and is designed to permanently erase data contained on magnetic data storage devices like a hard disk.

19. To the best of my knowledge, Internal Revenue Service agreements with external vendors for recycling data storage devices typically specify that the storage devices be shredded before recycling of any of the usable shredded materials.

20. To the best of my knowledge and according to discussions between the IT personnel involved, and as a result of the lack of tracking capability of component parts in the Internal Revenue Service IT inventory control system, when the hard drive was returned to the User and Network Services branch of the Internal Revenue Service Information Technology business unit and batched with other damaged or obsolete miscellaneous equipment, it became impossible to specifically identify the hard drive through any Internal Revenue Service equipment inventory system.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18<sup>TH</sup> day of July, 2014.

  
STEPHEN MANNING  
Deputy Chief Information Officer  
Strategy and Modernization  
Internal Revenue Service  
Washington, D.C.