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September 23, 2016

VIA E-MAIL ONLY

Congressman Lamar Smith, Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515-6301

**Re: Committee on Science, Space, and Technology – Subpoena for Records of
SECNAP Network Security Corporation dated September 12, 2016
Our File No.: 123976**

Dear Congressman Smith:

Please be advised that I represent SECNAP Network Security Corp. (“SECNAP”) and Victor Nappe regarding the above referenced subpoena. Please allow this to be considered as their response.¹

I have been provided with a copy of a letter dated September 23, 2016 to Chairman Smith from Kenneth F. Eichner who represents Platte River Networks (“PRN”). In the letter, Mr. Eichner asserts objections to SECNAP’s production of documents based on concerns of confidentiality and the assertion of a Fifth Amendment privilege against self-incrimination. Although SECNAP is producing documents to you in response to the subpoena notwithstanding these objections, we nonetheless request that the documents we produce be considered confidential and be treated accordingly. This will also confirm, consistent with Mr. Eichner’s assertion, that the relationship between SECNAP and PRN consists solely of arms-length business transactions. Consequently, SECNAP’s actions should not, and cannot, be attributed to PRN or vice versa whether with regard to the assertion or waiver of a privilege (Constitutional or not) or otherwise.

¹ Although the subpoena is directed to Victor Nappe as CEO of SECNAP, he individually would have no SECNAP records. We have therefore interpreted the subpoena to cover any SECNAP records which may be within Mr. Nappe’s possession, custody or control.

We have also received a letter dated September 23, 2016 from David E. Kendall on behalf of Clinton Executive Services Corporation objecting to SECNAP's production of documents after the replacement of what is represented to be the server used by Secretary Clinton while at the State Department. In light of this objection, which is well taken, initially we will not be producing any documents related to the installation or later operation of the server and CloudJacket device that replaced those turned over to the FBI as these documents are beyond the avowed scope of the House investigation. Should of Clinton Executive Services Corporation resolve this objection with the Committee, we will produce any additional documents on which you agree.

The documents identified for production in the subpoena are specified in the four numbered paragraphs in the scheduled attached to the subpoena. The response to these numbered paragraphs is as follows:

1. **Request:**

All documents and communications between and among SECNAP Network Security Corporation ("SECNAP") and Clinton Executive Services Corporation employees and/or any affiliated entities referring or relating to servers or networks used by former Secretary Clinton and/or Clinton Executive Services Corporation employees.

Response:

SECNAP will produce all documents and written communications in its possession, custody and control, between SECNAP and Clinton Executive Services Corporation ("CESC") referring or relating to the CESC's network protected by SECNAP's CloudJacket product.

SECNAP had and has no way of knowing whether former Secretary Clinton was a user of any server or other device connected to this CESC network. Additionally, the term "affiliated entities" used in conjunction with CESC is undefined, and SECNAP was not, and is not, in a position to determine what, if any, entities were or are affiliated with CESC, and cannot determine whether such documents exist. Consequently, SECNAP's production is limited to documents and written communications between SECNAP and CESC.

2. **Request:**

All documents and communications between and among SECNAP employees and Clinton Executive Services Corporation employees or affiliates.

Response:

SECNAP will produce all documents and written communications in its possession, custody and control between SECNAP employees and CESC employees. The term “affiliates” used in conjunction with CESC is undefined and SECNAP was not, and is not, in a position to determine the “affiliates” of CESC and/or its employees, and therefore cannot determine whether any such documents exist.

3. Request:

All documents and communications between and among SECNAP employees and Datto, Inc. employees referring or relating to services performed for former Secretary Clinton and/or the Clinton Executive Services Corporation.

Response:

SECNAP has no documents or written communications responsive to this request.

4. Request:

All documents and communications between and among SECNAP employees and Platt River Networks employees referring or relating to services performed for former Secretary Clinton and/or the Clinton Executive Services Corporation.

Response:

SECNAP will produce all documents and written communications in its possession, custody and control between SECNAP employees and Platte River Networks employees referring or relating to services performed for CESC. SECNAP has no documents or written communications in its possession, custody and control relating to any services performed by Platte River Networks for former Secretary Clinton.

5. Request:

All documents and communications produced to the FBI by SECNAP referring or relating to the investigation of former Secretary Clinton.

Response:

SECNAP will produce all documents and written communications provided to the FBI pursuant to a grand jury subpoena dated October 5, 2015 for certain records of CESC which SECNAP later learned from public documents were related to an investigation of former Secretary Clinton.

6. **Request:**

All documents and communications referring or relating to any actual or attempted security breaches or events, including but not limited to any malicious or unauthorized scans and probes of former Secretary Clinton's or the Clinton Executive Services Corporation's servers or networks.

Response:

This request concerns "any actual or attempted security breaches or events" including "any malicious or unauthorized scans and probes" of former Secretary Clinton's or CESC's servers or networks. SECNAP has no documents related to former Secretary Clinton's servers or networks.

With regard to CESC's network on which CloudJacket was installed, SECNAP cannot determine in every case whether particular CESC network activity constituted an "actual or attempted security breach," or "malicious or unauthorized scans or probes" of CESC's network as SECNAP does not generally attempt to reach such subjective conclusions about the network events it detects. Accordingly, we have interpreted this request to seek all unusual network activity and events logged or reported by SECNAP as to the CESC network which might or might not constitute actual or attempted security breaches, or malicious or unauthorized scans or probes. Such network activity and events are reflected in the security alerts being provided in response this request.

Sincerely,



Dennis A. Nowak

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c: The Honorable Eddie Bernice Johnson
Dale Sirgany
Drew Colliatie
Kenneth F. Eichner
David E. Kendall
Victor Nappe