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February 12, 2025

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office
Washington, D.C. 20510

Dear Leader Schumer and Leader Jeffries,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect civil and human rights in the United States, and the undersigned organizations, we write to express our grave concerns about the disturbing reports that Elon Musk and his subordinates, part of the so-called Department of Government Efficiency (DOGE) effort, are accessing and downloading sensitive data on millions of people and companies held across the federal government, including, to date, the Department of the Treasury, the Department of Education, the Department of Labor, the Department of Health and Human Services, the Office of Personnel Management, and the Consumer Financial Protection Bureau.¹ Other agencies, like the Department of Housing and Urban Development, will certainly be next in this aggressive campaign that seeks to abuse and exploit Musk's legally questionable position within the administration.

This unchecked breach of our most sensitive data is shocking and illegal.² Musk and his employees and agents are not elected officials, do not appear to have been vetted for security

¹ Chas Danner, "All the Federal Agencies DOGE Has Gotten Access To," New York Magazine (Feb. 10, 2025), <https://nymag.com/intelligencer/article/doge-elon-musk-what-federal-agencies-access-lawsuits.html>.

² Release, Public Citizen, Student Association Files Lawsuit Against Department of Education Over Illegal DOGE Data Access (Feb. 7, 2025), <https://www.citizen.org/news/student-association-files-lawsuit-against-department-of-education-over-illegal-doge-data-access/>; Press Release, American Federation of Teachers, Unions Sue Over Elon Musk's Unprecedented and Illegal Hack of American's Private Data (Feb. 10, 2025), <https://www.aft.org/press-release/unions-sue-over-elon-musks-unprecedented-and-illegal-hack-americans-private-data>; Press Release, Electronic Privacy Information Center, EPIC, Democracy Forward, and Federal Worker Sue DOGE for Illegal Seizure of Personal Data from Treasury, Personnel Systems (Feb. 10, 2025), <https://epic.org/press-release-epic-democracy-forward-and-federal-worker-sue-doge-for-illegal-seizure-of-personal-data-from-treasury-personnel-systems/>.

President and CEO

Maya Wiley

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clearances, or were not even government employees at the time they accessed government systems and the personal data within them.³ Moreover, they are threatening individuals who merely seek to identify who is participating in these violations.⁴ While they have not entirely disclosed how they are using the data they are collecting, how it is being secured, and whether they are sharing it with third parties, reports indicate that they have fed Department of Education data into AI systems, seeking opportunities for funding cuts.⁵ This signals an intent to abuse and exploit data and AI tools throughout the Trump administration and agencies. It is also unclear whether or not Musk is utilizing data to benefit his own private business interests.⁶ Their illegal unchecked access also means that they could alter or delete data and harm millions of people along the way.⁷

The massive and undemocratic scale of the intrusion into an individual's privacy is especially troubling. Musk's subordinates' downloading of records from the Department of Treasury is a dramatic incursion into people's privacy, accessing the most sensitive personal information, including Social Security numbers, tax returns, and payment details, including bank and credit card information.⁸ The actions of Musk and DOGE also harm the most vulnerable by also potentially interfering with Medicare and Medicaid payments, grants, and other public benefits and disbursements that millions of people depend on to receive health care. Access to government databases, coupled with the data already collected by Musk through his companies, opens the door for him to create detailed dossiers on consumers and his corporate competitors. U.S. companies that believe in a free market should also be concerned about their sensitive information being divulged.

Musk's illegal overreach requires immediate intervention. We call on members of Congress to respond to this lawless and reckless behavior by refusing to support business as usual, because Musk has not been engaged in the usual business of the people. We urge you to oppose the administration's nominations, using every procedural mechanism available, and to stall any legislation about budget or appropriations, until the actions of Musk and his minions are stopped, the consequences are investigated, and the harms are mitigated. We ask that you use your legislative and oversight powers to prevent

³ Anastasia Obis, "DOGE's 'Unimpeded' Access to Classified Data Poses National, Economic Security Risks," Federal News Network (Feb. 5, 2025), <https://federalnewsnetwork.com/management/2025/02/doges-unimpeded-access-to-classified-data-poses-national-economic-security-risks/?readmore=1>.

⁴ Peter Suci, "DOGE Employees Identified on X – Doxing or Case of Free Speech?," Forbes (Feb. 4, 2025), <https://www.forbes.com/sites/petersuci/2025/02/04/doge-employees-identified-on-x--doxing-or-case-of-free-speech/>.

⁵ Hannah Natanson, Gerrit De Vynck, Elizabeth Dwoskin and Danielle Douglas-Gabriel, "Elon Musk's DOGE is Feeding Sensitive Federal Data into AI to Target Cuts," Washington Post (Feb. 6, 2025), <https://www.washingtonpost.com/nation/2025/02/06/elon-musk-doge-ai-department-education/>.

⁶ Kate Conger, Ryan Mac, and Madeleine Ngo, "Musk Allies Discuss Deploying A.I. to Find Budget Savings," The New York Times (Feb. 3, 2025), <https://www.nytimes.com/2025/02/03/technology/musk-allies-ai-government.html>.

⁷ Chris Stokel-Walker, "DOGE has Disregarded Data Protection and Privacy Norms. The Consequences Will be Felt Years Down the Line," Fast Company (Feb. 11, 2025), <https://www.fastcompany.com/91276537/doge-has-disregarded-data-protection-and-privacy-norms-the-consequences-will-be-felt-years-down-the-line>.

⁸ Anthony Izaguirre, "Federal Judge Blocks Elon Musk's DOGE from Accessing Sensitive US Treasury Department Material," Associated Press (Feb. 8, 2025), <https://apnews.com/article/elon-musk-doge-lawsuit-attorneys-general-5733f8985e4cf7ad5b233fddefef4d01>.

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unlawful access to agency data and payment systems that contain highly confidential and personal information related to taxpayers and their households, including Social Security and Medicare recipients.

Our fears are justified, as the data accessed by Musk and his subordinates can result in abuse and misuse:

Weaponizing Data: The sensitive data accessed by Musk and his team could be weaponized for personal or corporate gain. This data could be used to target individuals or organizations unfairly, leading to potential harm and misuse.

Illegal Access to and Use of Data: The unauthorized access to and potential illegal use of these data by unelected, unvetted, unqualified, and non-government individuals raises significant legal and ethical concerns. This data should only be handled by qualified and vetted government personnel who adhere to strict security protocols that every government employee must also follow.

Impact on the Marketplace: If data are used to target Musk's competitors, it could create an unfair market advantage, ultimately driving up prices for consumers and negatively impacting the overall marketplace.⁹ Such actions undermine fair competition and could have severe economic consequences. With the ability to stifle competition, Musk, who has his own AI company, could damage American efforts to lead globally on the development of innovative AI systems.

Harming Students, Families, and Educators: Access to data about children, their families, their financial situations, and their identities could put individuals in harm's way, opening them to financial exploitation and facilitating their harassment. LGBTQ+ and immigrant students and educators are at particular risk of harassment, given the environment being stoked by President Trump.

Worker Data Exposed: Musk and DOGE are targeting the Department of Labor, seeking confidential information at the department, which could include sensitive personal information about workers and whistleblowers, economic data with the Bureau of Labor Statistics, and information about worker health and safety. This action also smacks of a conflict of interest. As reported, Tesla, SpaceX, and Boring — Musk's companies — have faced significant fines issued by the DOL, and he is currently challenging the National Labor Relations Board in federal court.¹⁰ Furthermore, controlling data sources could allow Musk to cover up unfavorable economic statistics.

Undermining of the Federal Statistical System: Data are collected by many of these agencies in furtherance of legislative requirements and programs set up by Congress for the benefit of the public. Allowing Musk and DOGE to access such data undermines the trust in the federal statistical system and

⁹ Kimberly Kindy and Brian Slodysko, "Key Things to Know About How Tesla Could Benefit From Elon Musk's Assault on Government," MSN (Feb. 11, 2025), <https://www.msn.com/en-us/news/technology/key-things-to-know-about-how-tesla-could-benefit-from-elon-musks-assault-on-government/ar-AA1yPQeQ>.

¹⁰ Eric Lipton and Kirsten Grind, "Elon Musk's Business Empire Scores Benefits Under Trump Shake-Up," The New York Times (Feb. 11, 2025), <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-companies-conflicts.html>.

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its confidentiality measures, potentially having a chilling effect on responding to government surveys and thereby making it more difficult to have sufficient data for informed, evidence-based policymaking.

There are also significant legal and security concerns:

Lack of Security Clearance and Vetting: It is unclear whether Musk's subordinates were government employees or underwent necessary security screenings at the time they accessed government databases. Allowing them access to sensitive data without proper clearance is a significant breach of security protocols and could expose people to potential data breaches.

Violation of Laws and Regulations: The unauthorized access and use of sensitive government data by private individuals may violate several laws, including, but not limited to, the Privacy Act of 1974, which governs the collection, maintenance, use, and dissemination of personally identifiable information by federal agencies. The Privacy Act states that federal agencies cannot disclose an individual's private information from a set of government records without the written consent of the person. Additionally, the Federal Information Security Modernization Act requires agencies to implement information security protections to safeguard sensitive data. There is reason for alarm. There are reports of DOGE staffers not fully identifying themselves as they seek and access data.¹¹ Unvetted, unchecked, and unqualified individuals obtaining access to sensitive government data have stoked fears that sensitive information could be given to private or foreign actors.

We urge members of Congress to take the following actions until Musk and his cronies' lawless and reckless actions are stopped, consequences are investigated, and harms are mitigated:

Oppose Nominations: Many of the nominees under consideration in the Senate have been nominated with the expectation that they will enable this abusive and exploitative plan, which we have already seen play out with confirmed nominees. We urge you to oppose these pending nominations. Senators must use every procedural mechanism available in committees and on the floor and demand accountability for this administration and these nominees.

Prevent Consideration of Budget and Appropriations Legislation: We urge you to ensure that no budget or appropriations legislation is advanced until there is certainty that taxpayer dollars and data will be protected from Musk and his cronies. We also call on you to advance the necessary legislation and oversight needed to provide adequate safeguards to protect sensitive data and mitigate the harm that has already been caused.

Conduct a Thorough Investigation: Members of Congress must launch an investigation into the unlawful access and use of sensitive data by Musk and his subordinates. We urge you to ensure that all individuals involved are held accountable and that appropriate measures are taken to prevent future breaches. The following information should be a part of this investigation: (1) A list of all data systems

¹¹ Benjamin Siegel, Will Steakin and Katherine Faulders, "What's Going to Break? DOGE Staffers 'Scorching the Earth' as They Reshape Federal Government," ABC News (Feb. 6, 2025), <https://abcnews.go.com/Politics/whats-break-doge-staffers-scorching-earth-reshape-federal/story?id=118536035>.

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that were accessed by Musk and his agents; (2) Detailed explanations of the intended use of any data accessed, the movement, relocation, or selling of any data, and any steps taken to protect and secure all sensitive, personally identifiable information; and (3) Detailed confirmation of the termination of all access of any data by Elon Musk and his agents.

The protection of sensitive data is of paramount importance, and the actions of Musk and his subordinates pose significant risks to personal safety, national security, individual privacy, and the integrity of the marketplace. Federal data are collected in service of multiple laws and statutorily established programs, in furtherance of the public good, and not for sale or plunder.

We urge Congress to act swiftly and decisively to stop and investigate Musk's activities, to protect all people, and to ensure our laws are followed. Thank you for your consideration. If you have any questions, please contact Alejandra Montoya-Boyer at montoyaboyer@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Access Now
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Clearinghouse on Women's Issues
Coalition on Human Needs
Color Of Change
Common Cause
Demand Progress
DemCast USA
Disability Rights Education and Defense Fund (DREDF)
Drug Policy Alliance
Economic Policy Institute
EdTrust
Electronic Privacy Information Center (EPIC)
Empowering Pacific Islander Communities (EPIC)
Equal Justice Society
Equal Rights Advocates
Essential Information
Feminist Majority Foundation
Free Press Action
GLAAD
Government Information Watch
Groundwork Collaborative
Human Rights Campaign
Indivisible

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Japanese American Citizens League
Jewish Council for Public Affairs (JCPA)
Jobs to Move America
Lawyers for Good Government
League of United Latin American Citizens (LULAC)
Legal Action Center
Matthew Shepard Foundation
Mayday Health
Muslim Advocates
NAACP
Nathaniel R. Jones Foundation
National Association of Consumer Advocates
National Association of Social Workers
National Bar Association
National Black Child Development Institute (NBCDI)
National Black Justice Collective
National Community Reinvestment Coalition
National Consumer Law Center (on behalf of its low-income clients)
National Employment Law Project
National Fair Housing Alliance
National Health Law Program
National Hispanic Media Coalition
National Housing Law Project
National Immigration Law Center
National Organization for Women
NETWORK Lobby for Catholic Social Justice
NNAAC
Open MIC
People For the American Way
Project On Government Oversight
Public Citizen
Public Knowledge
Reproaction
Reproductive Freedom for All
Sojourners
Solutions for Worker and Environmental Health Justice
The National Coalition for Asian Pacific American Community Development (National CAPACD)
The Restaurant Opportunities Center United (ROC United)
Unitarian Universalists for Social Justice
United Church of Christ Media Justice Ministry
Voices for Progress