

EXHIBIT D¹

¹ This Exhibit was originally filed in *Elec. Privacy Info. Ctr. v. Presidential Advisory Comm'n on Election Integrity*, 17-cv-1320 (CKK) (D.D.C. July 17, 2017), ECF No. 38-1. It is refiled here for the convenience of the Court and the parties.

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)

DECLARATION OF CHARLES CHRISTOPHER HERNDON

I, Charles C. Herndon, declare as follows:

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 White House Deputy Chief of Staff for Operations and Assistant to the President, and through him to the Chief of Staff and the President. I am part of what is known as the White House Office. This declaration is based on my personal knowledge and upon information provided to me in my official capacity.

2. A number of components make up the Executive Office of the President, including the White House Office (also referred to as the Office of the President). Components of the White House Office include the President’s immediate staff, the White House Counsel’s Office and the Staff Secretary’s Office. The White House Office serves the President in the performance of the many detailed activities incident to his immediate office, and the various

Assistants and Deputy Assistants to the President aid the President in such matters as he may direct. My role is to ensure the effective use of information resources and systems to the President. I am also a member of the Executive Committee for Presidential Information Technology, as established in the March 19, 2015, Presidential Memorandum creating my position. See, <https://obamawhitehouse.archives.gov/the-press-office/2015/03/19/presidential-memorandum-establishing-director-white-house-information-te>. The Executive Committee is chaired by the Deputy Chief of Staff Operations.

3. I was asked by the Office of the Vice President to assist in creating a mechanism by which data could be securely loaded and stored within the White House computer systems. To do that I repurposed an existing system that regularly accepts personally identifiable information through a secure, encrypted computer application within the White House Information Technology system.

4. States that wish to provide information to the Presidential Advisory Commission on Election Integrity (“Commission”) can email the Commission to request an access link. Once a staff member verifies the identity of the requester and the email address, a one-time unique uniform resource locator (“URL”) link will be emailed to that state representative. Data can be uploaded via that one-time link to a server within the domain electionintegrity.whitehouse.gov. Authorized members of the Commission will be given access to the file directory identified to house the uploaded information. Once the files have been uploaded, there is no further transfer of the data from that location. The technology is similar to a shared folder in Microsoft SharePoint.

5. The Commission will receive dedicated laptops, which can access the data provided by states through the White House network over an SSL (Secure Sockets Layer)

connection. The SSL connection ensures that all data passed between the web server and browsers remain private and secure. The laptops use Personal Identity Verification (PIV) and the data at rest is encrypted.

6. The Executive Committee for Information Technology will have no role in this data collection process. The U.S. Digital Service (which is within the Office of Management and Budget) will also have no role, nor will any federal agency. The only people who will assist are a limited number of my technical staff from the White House Office of Administration. They will have access to the data, but all access will be logged and recorded by our network monitoring tools.

7. I can confirm, based on information provided to me from the Department of Defense, that the data the state of Arkansas uploaded to the Army's SAFE site has been deleted without ever having been accessed by the Commission.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 16th day of July 2017.



Digitally signed by CHARLES HERNDON
DN: c=US, o=U.S. Government, ou=Executive Office
of the President, cn=CHARLES HERNDON,
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Charles C. Herndon