

## VA Data Breach Widens

Area veterans, active-duty military, National Guard and Reserve members may be at risk for identity theft, Veterans Affairs Secretary Jim Nicholson announced in a media release Tuesday.

About 2.2 million personnel may be at risk because they were among the 26.5 million veterans whose names, dates of birth and Social Security numbers were stolen May 3 from a Veterans Affairs employee.

Nicholson said the VA realized it had records on file for most active-duty personnel because they are eligible to receive VA benefits such as GI Bill educational assistance and the home-loan guarantee program.

The VA's latest review found the data included as many as 1.1 million active-duty personnel from the armed forces, along with 430,000 members of the National Guard and 645,000 members of the Reserves.

Lawyer Mathew B. Tully, of Hunter, said he is very concerned about the situation. Tully, who was a candidate for the 127th Assembly seat until dropping out in mid-May, is a major in the New York Army National Guard 42nd Infantry Division based in Troy.

"I'm very upset that the VA department allowed confidential documents to be stolen," Tully, an Iraq War veteran, said Wednesday. "My information may be included in the documents twice because I was a veteran and I was also on active duty at the time.

"I'm even more disturbed that they are not saying specifically what was on that computer," Tully added. "My date of birth, Social Security number and home address may all be out there in cyberspace. And it doesn't seem like the VA is doing much to help the veterans."

Tully said the release of this type of privileged information is against the law under the Privacy Act.

"The VA can be fined \$1,000 for each time they disclose private information," Tully said. "I completely support the veteran's groups that are suing."

Tully said if security can be breached so easily when military information is concerned, he worries about phone records being released by the National Security Agency.

"How are you going to protect the nation's secrets when you can't protect private information?" Tully asked. "The National Security Agency program is very scary. Imagine if someone put all your phone records and all the numbers you called on the Internet."

Joseph Cetta, of Walton, is a major in the National Guard 204th Engineer Battalion Company based in Walton. He said the breach in security will force him to keep a close watch on his financial paperwork.

"I have a heightened sense of awareness of my personal financial situation and I will be scrutinizing my bills in more detail," Cetta said. "It does cause me concern, but what can I

do? My wife and I only have one credit card from a local institution, so I'm not going to lose any sleep over it."

Grant Coates, New York State Council of Vietnam Veterans of America vice president, said the VVA has joined with four other national organizations and several individual veterans in filing a class-action lawsuit seeking judicial oversight and protection of the VA computer files.

"We are not attacking the VA," Coates said Wednesday. "But we are attacking the problem. The VA is not capable of protecting the privacy of the veterans. They are not doing their job.

"Why was this information at a private home?" Coates said. "This was a brand-new computer. Why wasn't the information encrypted? Where was the command and control?"

"It is appalling to all veterans that their personal information — information that is supposed to be held in confidence — is potentially in the hands of individuals who can wreak identity-theft havoc," John Rowan, national president of VVA and a plaintiff in the lawsuit, said in a media release.

"What was an employee of the VA doing with the names, Social Security numbers, and dates of birth of all these veterans, the vast majority of whom have never availed themselves of VA services?" Rowan asked. "Why is the VA collecting this information in the first place?"

"Saying 'We're sorry' is hardly comforting to veterans and their families," Rowan said. "The VA has been criticized for years about lax information security and that includes criticism from the VA's own Inspector General. The VA still hasn't properly secured all the personal information under its control. We've just seen the largest-known unauthorized disclosure of Social Security numbers in history."

The veterans' complaint, filed Tuesday in the U.S. District Court for the District of Columbia, seeks:

A declaratory judgment that the VA's loss of these records violated and continues to violate both the Privacy and Administrative Procedure Acts.

A court order that the VA disclose the exact nature of its compromised records system and to individually inform each veteran of every record it maintains on him/her. An injunction preventing the VA from altering any data-storage system and prohibiting any further use of these data until a court-appointed panel of experts determines how best to implement safeguards to prevent any further breaches.

A judgment awarding \$1,000 to each veteran who can show that he or she has been harmed by the VA's violation of the Privacy Act.

State Sen. James Seward, R-Milford, said veterans who are concerned that their personal information might have been stolen to contact the federal government's special call center.

"Veterans need to know what to do if they suspect that they may be victims of identity theft. I urge all veterans to phone the call center or, if they have access to a computer, to visit these websites," Seward said in a media release.