

Emergency Management Homeland Security Agency
EMHS-VFW Building 2980 E. Service Rd.
P.O Box 365 Oneida Nation of Wisconsin 54155-0365
Cell 920-321-6183 email mantone@oneidanation.org

Incident 13-
VOLUNTARY STATEMENT

Summary:

On 06.06.2013 at approximately 1230 in the afternoon I was informed by C/I that confidential information was put in a trash container behind the Oneida Gaming Commission/Backgrounds Investigations building in the City of Green Bay located at 2669 West Mason 54313, County of Brown, and State of Wisconsin. The details were described as paper work containing confidential (PII) information/records put into the trash bin container located behind the Tribal building.

Personally Identifiable Information (PII)– any information about an individual maintained by an Agency/Department, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual's identity, such as their name, social security numbers, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information which is linked or linkable to an individual. In some instances PII overlaps with Privacy Act information.

Complaint:

Wisconsin State Statue 1 CT Theft 943.20(1)(a)

(a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

Complaint: Federal US Codes Theft and/or Breach of PII

- (1) Privacy Act of 1974, as amended (5 U.S.C 552a);
- (2) 44 U.S.C. 2108 of the Federal Records Act;
- (3) Freedom of Information Act, as amended (5 U.S.C. 552);
- (4) Federal Information Security Management Act of 2002 (44 U.S.C. 3541);
- (5) E-Government Act of 2002 (44 U.S.C. 3501 note);
- (6) Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520); and,
- (7) Information Technology Management Reform Act (40 U.S.C. 1401 through 1503, Clinger-Cohen Act of 1996).
- (8) Federal Trade Commission Act of 1914(FTC Act) enacted in 2003.
- (9) USA Patriot Act

Activity:

On 06.06.2013 at approximately 4pm I arrived near the location of the Oneida Gaming Commission and Oneida Back Ground building to make contact with Steve Hill who is employed there as supervisor for Oneida Backgrounds. Prior to arrival to the location where the incident occurred I called Steve Hill to meet me in the back of the building.

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As I arrived and parked my vehicle in the back parking lot I was able to observe green metal trash containers just a few feet from the south exit door. I was able to observe a surveillance camera located near the top of the roof of the building in question, the camera was pointed at the same direction of the back exit and area where the trash containers were located. It was later explained to me that the camera is controlled by Gaming Surveillance Department and they maintain control of this evidence on who placed the records/documents in the trash container.

As Steve Hill exited the building I has explained that I was there following up on information of possible release of PII information in the trash container located outside of this building. I asked if the information was recovered and Steve stated it was recovered and it was taken out of the trash container and brought back into the building to be secured. During our conversation on how much was taken out of the trash container I walked over to the container and open the black lid on top of the container to see if there was anything left in the container. I asked how much of the trash container was filled up? Steve stated "it was almost filled to the top with papers and some marked confidential" and it also contained papers from anther department. I asked how far from the top of the container was filled with papers? It was explained to me that it was approximately five inches from the top of the trash container. As I closed the top of the trash container I asked if he checked the other containers near and he stated no just this one. I walked to the trash container and open the top of the trash container and it was empty with nothing in it. It appeared that the trash service provider had emptied the containers already for this department.

I walked over to the exit and looked into the hallway and observed a few large clear plastic bag(s) containing paper records and asked if those were the ones from the trash container from outside and Steve stated "yes". I asked where the other papers came from and it was not clear who had put the records/documents out in the trash because they have strict procedures for destruction of records by a contractor who is responsibility to destroy the records when not needed by the departments. It's further explained by Steve the trash containers inside the building have writing on them to not throw out in the trash so they can be shredded for security purposes, protection of the records and PII information.

It was explained that the papers from outside of the building contained confidential information since it was marked on the records from the Oneida Land Department. I explained to Steve that he should report this information and make a note that I had stopped over and I told him to lock down the other paper work from the other department. I explained to Steve to consider this other information stolen property, I then further explained that I would follow up later with his and for him to record my stop over and lock down the other records where no one will be able to destroy the information

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before it can be checked by someone who will be able to verify where the documents and records came from.

Shortly thereafter, I called by cell phone to meet with the Chairman of the Oneida Tribe of Indians of Wisconsin Ed Delgado who is our direct supervisor and pass on the concern that a police report from OPD needed to be requested and followed up on. I explained that the property was now secured and it was not clear at the time who had placed the records or documents into the trash container located outside of the Gaming/Backgrounds building at this time. I was told by the Chairman that an audit was being conducted already at the Oneida Department of Land Management and he was going to alert the Oneida audit team of our new information.

I was informed that the Chairman was going to communicate my information to the Police Commission/Police Department to assist in this information and complaint. Currently, under current law and resolutions Oneida Police Department is to assist Oneida Emergency Management & Homeland Security in protection and activities of the Department of Homeland Security 37 target capabilities list; Law Enforcement Investigation and Operations.

It is recommended that the following actions and activities be followed up on at this time;

1. Interview and statement from Steve Hill Supervisor Oneida Background Department
2. Interview and statement from Oneida Surveillance Department of date in question for a copy of CD of the area under surveillance behind Backgrounds Department on the date listed above when PII was recovered by Steve Hill and the Backgrounds Department for evidence.
3. Conduct interview of staff and employees at Backgrounds Department who has knowledge of the records from the Oneida Land Department.
4. Conduct an interview with the Director of Land Department Fred Muskovich as to why the records are missing from that department with statement.
5. Conduct meeting with Oneida Internal Audit as to what records was released and recovered for evidence.
6. If possible notify person(s) who might have had PII information released from outside of the Oneida Land Department to safeguard against identity theft.
7. If in fact any of the above laws or codes was violated forward/referral onto the jurisdiction for adjudication from the District Attorney's office or US Attorney's Office Milwaukee, Wisconsin.

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NSA
Martin J. Antone Director
Oneida Emergency Management
Homeland Security Agency

I have read this statement consisting of 4 page(s) and the facts are true and correct.
No promises or threats have been made to me and no pressure of any kind has been used
against me;

Date 6/17/2013
Signature *Mantone #901*

Time 2 PM AM PM
Witness *[Signature]* 1852
Witness