



United States House of Representatives
One Hundred Nineteenth Congress
Committee on Financial Services
2129 Rayburn House Office Building
Washington, DC 20515

September 30, 2025

The Honorable Paul Atkins
Chair
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

Dear Chair Atkins:

Pursuant to Rule X of the House of Representatives, the House Committee on Financial Services (Committee) is conducting oversight of the Securities and Exchange Commission's (SEC or Commission) Office of Information Technology (OIT). The SEC Office of Inspector General (OIG) released report number 587 titled, "Special Review: Avoidable Errors Led to the Loss of Former SEC Chair Gary Gensler's Text Message" (the report) finding nearly one year's worth of lost text messages of former Chair Gary Gensler.¹ The report raises concerns regarding the SEC's treatment of information technology (IT), particularly as it relates to its most senior officials.²

According to the report, on July 6, 2023, former Chair Gensler's "smartphone stopped communicating with the SEC's mobile device management system."³ Despite the phone "function[ing] normally and [being] used regularly,"⁴ the SEC's mobile device management system deemed the phone "inactive" for 62 days.⁵ The issue was repeatedly flagged,⁶ but OIT staff made no attempt to investigate or address the issue.⁷ On August 10, 2023, OIT "instituted a new policy of remotely wiping any SEC mobile device that did not communicate with the mobile device management system for at least 45 days."⁸ The Committee is concerned not only that OIT would implement a policy that was "poorly understood," but also that it appears former Chair

¹ INSPECTOR GEN., SECURITIES AND EXCHANGE COMM'N, REPORT NO. 587, SPECIAL REVIEW: AVOIDABLE ERRORS LED TO THE LOSS OF FORMER SEC CHAIR GARY GENSLER'S TEXT MESSAGES, at i (2025) [hereinafter OIG REPORT No. 587].

² See generally *id.*

³ *Id.* at 4.

⁴ *Id.* at 4.

⁵ *Id.* at 5.

⁶ *Id.* at 5 ("In fact, about every two weeks before being wiped, Gensler's smartphone showed up as inactive in mobile device management 'cleanup' reports dated July 21, 2023; August 3, 2023; August 18, 2023; and September 1, 2023.").

⁷ *Id.* at 4.

⁸ *Id.* at 4 ("This new policy was based on the erroneous assumption that such devices were not in use, were potentially lost or stolen, and could no longer connect to the SEC's network.").

Gensler may have been accorded special treatment.⁹ Former Chair Gensler's phone was not wiped until September 6, 2023, more than two weeks after the wipe should have occurred.¹⁰

Notably, even though the smartphone was wiped, it was still possible to retain former Chair Gensler's information on the phone.¹¹ However, OIT staff factory reset the smartphone resulting "in the permanent deletion of the device's data, including nearly a year's worth of text messages."¹² This data loss was due to the fact that OIT had not backed-up former Chair Gensler's device since October 18, 2022.¹³

During former Chair Gensler's tenure, the SEC sued several financial firms for "widespread record keeping failures." In fiscal year 2023 alone, the SEC collected "more than \$400 million to settle charges that [25 advisory firms, broker-dealers, and credit rating agencies] violated the recordkeeping requirements of the federal securities laws[.]"¹⁴ Interestingly, former Chair Gensler stated, "[a]s technology changes, it's even more important that registrants appropriately conduct their communications about business matters within only official channels, and they must maintain and preserve those communications."¹⁵ It appears that former Chair Gensler held companies to a standard that his own agency did not meet. As the OIG admits, while the SEC attempted to recover the lost texts, "the [SEC] was unable to collect or determine the entire universe, including some *federal records*."¹⁶

When collection of the data through forensic means was unsuccessful, OIT resorted to reviewing a report identifying the phone numbers which exchanged messages with former Chair Gensler's phone.¹⁷ Staff provided OIT with "a list of 34 agency employees with whom they predicted he texted most frequently."¹⁸ However, former Chair Gensler "did not provide input into the list, and the original list did not include his fellow Commissioners."¹⁹ While former Chair Gensler's staff claimed he "usually texted for administrative reasons,"²⁰ OIG's "review found multiple instances of substantive, mission-related communications between Gensler, his staff, his fellow Commissioners, and other senior officials[.]"²¹

Unfortunately, this is not the first time former Chair Gensler has been engulfed in controversy surrounding his use of smartphones and compliance with federal recordkeeping

⁹ *Id.* at i.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 4.

¹² *Id.* at 4.

¹³ *Id.* at 6.

¹⁴ Press Release, Securities and Exchange Comm'n, SEC Announces Enforcement Results for Fiscal Year 2023 (last updated Nov. 14, 2023), <https://www.sec.gov/newsroom/press-releases/2023-234>.

¹⁵ Lydia Moynihan, *Gary Gensler accused of hypocrisy in SEC crusade over use of private messaging apps*, N.Y. POST, Sep. 28, 2023, <https://nypost.com/2023/09/28/gary-gensler-accused-of-hypocrisy-in-sec-crusade-over-use-of-private-messaging-apps/>.

¹⁶ OIG REPORT NO. 587, *supra* note 1, at i (emphasis added).

¹⁷ *Id.* at 12.

¹⁸ *Id.* at 12.

¹⁹ *Id.* at 12.

²⁰ *Id.* at 12 (These administrative reasons included "scheduling calls, meetings, or transportation.").

²¹ *Id.* at 12.

laws.²² In 2013, the Commodity Future Trading Commission's (CFTC) OIG faulted former Chair Gensler for using his personal email for official CFTC communications.²³

Collectively, these incidents, along with the OIG's findings, raise serious concerns about former Chair Gensler's and OIT's compliance with federal recordkeeping laws,²⁴ transparency obligations,²⁵ and the integrity of agency oversight.²⁶ The Committee is engaging with the OIG to learn more about their report, seek clarity on outstanding questions, and discuss additional areas that require further oversight and investigation. The Committee looks forward to the Commission's engagement and transparency during this process. Thank you for your attention to this important matter.

Sincerely,



French Hill
Chairman



Dan Meuser
Chairman
Subcommittee on Oversight and
Investigations



Ann Wagner
Chairman
Subcommittee on Capital Markets



Bryan Steil
Chairman
Subcommittee on Digital Assets, Financial
Technology, and Artificial Intelligence

²² INSPECTOR GEN., COMMODITY FUTURES TRADING COMM'N, REVIEW OF THE COMMODITY FUTURES TRADING COMMISSION'S OVERSIGHT AND REGULATION OF MF GLOBAL, INC. (2013) ("[Chair Gensler] used his personal email to schedule meetings and for substantive conversations; he used it to contact CFTC staff at their official CFTC email addresses as well as their personal email accounts; he used it because he did not know how to access his official email at home.").

²³ *Id.*

²⁴ *National Archives, Records Management Guidance for Political Appointees and Senior Officials*, <https://www.archives.gov/records-mgmt/transition/records-management-guidance-political-appointees-senior-officials> (last visited Sep. 9, 2025).

²⁵ *See generally id.*

²⁶ OIG REPORT NO. 587, *supra* note 1, at 12 ("The OIG was unable to conduct an independent forensic examination of the smartphone because OIT returned it to the vendor on January 8, 2024, before the OIG was notified of the incident.").

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cc: The Honorable Maxine Waters, Ranking Member
 The Honorable Al Green, Ranking Member, Subcommittee on Oversight and
 Investigations
 The Honorable Brad Sherman, Ranking Member, Subcommittee on Capital Markets
 The Honorable Stephen Lynch, Ranking Member, Subcommittee on Digital Assets,
 Financial Technology, and Artificial Intelligence