




Office of the
Executive Director

U.S. COMMODITY FUTURES TRADING COMMISSION

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MEMORANDUM

TO: A. Roy Lavik
Inspector General

FROM: Anthony C. Thompson
Executive Director 

DATE: September 20, 2016

SUBJECT: Response to Investigation into a Potential Information Technology
Security Incident

Thank you for the opportunity to review your office's investigative report about a potential information technology security incident, dated June 27, 2016. The agency has assessed the report and concurs with the recommendations your office made to properly address your findings. Below are actions we have taken or plan to take to ensure that the issues addressed in your report do not occur again.

OIG Recommendations

Recommendation 1. We recommend that management determine the appropriate steps to take regarding the retaliatory actions taken against the Contractor, the abuse of network privileges by an employee, and the lack of candor and false and misleading statements by two employees.

CFTC Response. The Agency concurs with your recommendation. Agency leadership first consulted with the Human Resources Branch and the Office of General Counsel. Agency leadership then took specific actions with respect to individuals involved and will be developing policies to prevent inappropriate behavior from occurring again. We would be happy to discuss these steps in further detail with you.

Recommendation 2. We recommend that CFTC undertake the creation of an Agency-wide policy that prohibits retaliation against and protects contractors who in good faith report any wrongdoing by CFTC employees or any perceived deficiencies in CFTC operations.

A. Roy Lavik

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CFTC Response. The Agency concurs with your recommendation. Chairman Massad sent an Anti-Retaliation and Reprisal statement to all CFTC employees and contractors, reminding them of the legal prohibitions on retaliation against employees and reprisals against contractors. In this statement, he also placed a special emphasis on whistleblower protections for contractors, and made it clear that retaliation of any kind would not be tolerated.

Additionally, to further meet your recommendation the Agency plans on creating an Agency-wide Whistleblower Protection/Prohibited Personnel Practices policy that will include the prohibition on retaliation for whistleblowing. The purpose of creating this policy is to make sure the relevant legal prohibitions and policies are reflected in one document. Once the policy is in place the Agency will provide training for all employees and contractors. The Agency also plans on providing additional reminders to all certified CFTC Contracting Officer Representatives (CORs) regarding the retaliation protections for contractors.

Thank you again for the opportunity to review and respond to your office's investigation and if you have any questions, please do not hesitate to contact my office.