



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

OFFICE OF  
SUPPORT OPERATIONS

June 27, 2025

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Ms. Vlaicu:

Allow this to serve as the Securities and Exchange Commission's (SEC's) report regarding the loss of some text messages of the former SEC Chair, Gary Gensler. This report is written in accordance with requirements set forth in 36 C.F.R. Section 1230.14.

On February 2, 2024, the SEC's Office of Records Management Services (ORMS) learned of the loss of the Chair's text messages from his SEC-issued mobile telephone for the period of October 18, 2022, to September 6, 2023. The SEC's Office of Inspector General (OIG) initiated a review of the incident and in keeping with agency practice of not interfering with the work of OIG, ORMS is providing this report at the conclusion of OIG's investigation.

In the fall of 2022, the SEC's Office of Information Technology (OIT) refreshed SEC-issued iPhones and backed up data on Capstone Officials' SEC iPhones. As part of that effort, OIT issued the Chair a new iPhone 12 and collected his iPhone XR. OIT backed up the data from the iPhone XR on October 18, 2022. The Chair was able to use his new iPhone 12, including for text messaging, until the device was reset on September 6, 2023, which may have resulted in the loss of Federal records. The following factors were responsible for this incident:

- The SEC configured the agency's then mobile device management system, AirWatch, to automatically erase data on any SEC-issued iPhone with which AirWatch could not communicate for 45 days;
- On July 6, 2023, the Chair's iPhone had stopped communicating with AirWatch;
- On September 6, 2023, based on the AirWatch configuration, the Chair's iPhone was automatically partially wiped to remove all SEC-controlled content, but the text messages on the device were still recoverable;<sup>1</sup> and
- Also on September 6, 2023, to provide technical assistance to the Chair, who was no longer able to access SEC applications on his iPhone, OIT personnel performed a factory reset, resulting in the permanent deletion of the device's data, including text messages.

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<sup>1</sup> The SEC was not able to determine why the AirWatch configuration did not execute the wipe until 62 days after the device stopped communicating with the system.

The SEC took the following actions to attempt to retrieve or recreate the text messages:

- Once the loss of the texts was discovered on September 6, 2023, OIT attempted to recover the text messages created prior to the factory reset using the Cellebrite forensic tool, but no previous text messages were recoverable;
- In September 2023, the SEC Division of Enforcement's forensics lab also attempted to recover text messages that were on the phone prior to the factory reset, but no previous text messages were recoverable; and
- OIT contacted the SEC's cellular service provider, AT&T, to obtain a log of the texts. AT&T could provide a listing of the phone numbers with which the Chair exchanged text messages, but not the contents of the messages. OIT, with the support of staff from the Chair's Office and the Office of the Chief Operating Officer, attempted to reconstruct the record of text messages that the Chair sent or received during the October 18, 2022 to September 6, 2023 time period by retrieving text messages from individuals known or likely to have texted with the Chair during that time, allowing for the recovery of some of the Chair's text messages.

As an effort to safeguard and prevent any further loss of text messages, on September 6, 2023, immediately after learning of the partial wipe of the Chair's iPhone, OIT disabled the mobile device management configuration that automatically erased data on any SEC iPhones after 45 days of no communication and, thereafter, increased the frequency of backups of all Capstone Officials' mobile devices. Subsequently, in March 2024, the SEC disabled the use of the texting application from all SEC mobile devices except for limited exceptions, which are conditioned on compliance with mandatory recordkeeping obligations.

Please contact me if you have any questions.

Sincerely,



Casey A. Coleman  
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