

RECEIVED

OCT 21 2019

Office of Administrative Law Judges
San Francisco, Ca

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF VICTORIA
THRASHER IN SUPPORT OF
DEFENDANT ORACLE
AMERICA, INC.'S MOTION TO
SEAL PORTIONS OF THE
EVIDENCE SUBMITTED IN
SUPPORT OF ORACLE'S
MOTION FOR SUMMARY
JUDGMENT, OR, IN THE
ALTERNATIVE, FOR
PARTIAL SUMMARY
JUDGMENT AND MOTION TO
EXCLUDE THE EXPERT
REPORT AND TESTIMONY OF
JANICE FANNING MADDEN,
PH.D.**

I, Victoria Thrasher, declare as follows:

1. I make this declaration in support of Oracle America, Inc.'s ("Oracle") Motion to Seal Portions of the Evidence Submitted in Support of Oracle's Motion for Summary Judgment, or in the Alternative, for Partial Summary Judgment and Motion to Exclude the Expert Report and Testimony of Janice Fanning Madden, Ph.D. I have personal knowledge of the matters discussed in this declaration or, where stated, base my statements on my review of records kept in the regular course of business by Oracle. If called to testify to the information in this

DECLARATION OF VICTORIA THRASHER IN SUPPORT OF MOTION TO SEAL

- 1 -

CASE NO. 2017-OFC-00006

declaration, I could do so competently. Before signing this declaration, I read it carefully to make sure it was accurate, and it is. I was not pressured or required to sign this declaration. I am providing this declaration voluntarily.

2. I am currently Senior Vice President of Human Resources. Beginning in 2010, I led the HR Business, Diversity Compliance and Inclusion and Employment Practices functions covering the more than 50,000 employees who work for Oracle or affiliates in the United States or elsewhere in the Americas. On January 2nd of this year, I transitioned away from responsibility for the HR Business function and assumed new responsibility for HR Communications, Organization and Talent Development, and the Oracle Women's Leadership Program, while maintaining responsibility for Diversity Compliance and Inclusions and Employment Practices. I joined Oracle in 1996 as an HR Consultant and, in 2000, became a Vice President in Human Resources.

3. Given my current and former roles and long history with Oracle, I am familiar with Oracle's policies and business practices regarding treatment and safeguarding of confidential information associated with the configuration and structure of Oracle's internal networks related to personnel matters, as well as access to certain types of personnel information, including those discussed in this declaration. I have reviewed the material that Oracle seeks to seal in Exhibit A to the Declaration of Kate Waggoner in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment, specifically on pages 18-22, 27-32, 34, 36-37, 40-44, 46, 48, 50-54, 56-61, 64-65, and 67-68. I have also reviewed a redacted version of the same, which is attached as Exhibit K to the Declaration of Jonathan Riddell in Support of Defendant Oracle America, Inc.'s Motion to Seal Portions of the Evidence Submitted in Support of Oracle's Motion for Summary Judgment, or, in the Alternative, for Partial Summary Judgment and Motion to Exclude the Testimony of Janice Fanning Madden, Ph.D. As explained in more detail below, the redacted portions of this document contain confidential and proprietary information related to the ways in which Oracle's internal systems and databases are configured and accessed.

4. The redacted materials come from a confidential compensation training PowerPoint. They contain internal, network-related material that provides a roadmap regarding the configuration, structure, architecture, access points, and methods for data entry and extraction to and from the internal network and HR-, Compensation-, and Budget-related databases and applications. The proprietary way in which Oracle has configured these applications in the network, and how they are integrated into Oracle's business, and instructions regarding how Oracle employees can gain access, and enter or extract data therein, are treated and maintained as confidential within Oracle. This is done both to protect the sensitive employee-related information housed in those systems, and because Oracle derives economic value from the secret nature of its proprietary network configuration and integration of its systems into its core business and human resources functions.

5. In an environment where data and network security breaches are increasingly common, Oracle takes seriously its obligation to protect sensitive data and information from threats and vulnerabilities. The redacted information discussed in the materials identified above reflect sensitive information regarding systems that are neither public nor outward facing, but are instead part of a secure, password-protected, internal network designed to house and provide highly-selective internal access to everything from Oracle's confidential business strategies to personnel files. Access is limited to only those who have a legitimate business need-to-know. Oracle takes the security and integrity of its internal networks seriously. The information redacted in the material identified above needs to remain confidential to help minimize risks posed by external threats to its systems that house employees' extremely sensitive and private personnel information, as well as confidential information related to the conduct of Oracle's business, its strategies, and the way in which they are carried out. Public disclosure of these materials would risk compromising the integrity of these items.

6. In addition to protecting the highly sensitive employee data housed within these systems, Oracle maintains confidentiality over its internal systems because it derives a competitive economic advantage so long as its competitors do not have access to information,

which reflects some of the methods and designs that Oracle deems the most efficient and productive means by which to conduct its business. The economic value of this information depends on it remaining confidential because Oracle, as a large software company with thousands of employees across the globe, has devoted significant time and resources to configure and integrate its internal systems to most efficiently and productively manage everything from budget-setting across an organization to singular HR-related transactions. To this end, Oracle is constantly developing and improving its internal systems, in part because of the economic value which comes along with increasing process potential and efficiency.

7. Internally, Oracle limits employee access to certain information by limiting the audience with whom the information is shared and/or by granting each system user login credentials that restricts the user's ability to view materials and information, limiting access to information over which the user has a legitimate business need to review. Each of the documents above is restricted in either or both of these manners. Oracle also safeguards restricted information such as this through the use of employee agreements that prohibit employees from improperly accessing or sharing any confidential or proprietary information that they may have received or otherwise accessed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Washington, D.C., on October 18, 2019.

A handwritten signature in blue ink, reading "Victoria Thrasher", written over a horizontal line.

VICTORIA THRASHER