

**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.

**RECEIVED**

**NOV 18 2019**

Office of Administrative Law Judges  
San Francisco, Ca

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF ANJE  
DODSON IN SUPPORT OF  
DEFENDANT ORACLE  
AMERICA, INC.'S MOTION TO  
SEAL LIMITED PORTIONS OF  
EVIDENCE SUBMITTED IN  
SUPPORT OF PLAINTIFF  
OFCCP'S OPPOSITION TO  
ORACLE'S MOTION FOR  
SUMMARY JUDGMENT AND  
OPPOSITION TO ORACLE  
AMERICA, INC.'S MOTION TO  
EXCLUDE THE EXPERT  
REPORT AND TESTIMONY OF  
JANICE FANNING MADDEN,  
PH.D.**

I, Anje Dodson, declare as follows:

1. I make this declaration in support of Oracle America, Inc.'s ("Oracle") Motion to Seal Limited Portions of Evidence Submitted in Support of Plaintiff OFCCP's Opposition to Oracle's Motion for Summary Judgment and Opposition to Oracle America, Inc.'s Motion to Exclude the Expert Report and Testimony of Janice Fanning Madden, Ph.D. (collectively, "Opposition"). 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, I could do so competently.

DECLARATION OF ANJE DODSON IN SUPPORT OF ORACLE'S MOTION TO SEAL

CASE NO. 2017-OFC-00006

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, and I am providing this declaration voluntarily.

2. I am currently a Senior Vice President of Human Resources at Oracle. I have worked for Oracle for over 20 years. I came up through the ranks at Oracle, having previously held the titles: HR Representative, Senior HR Representative, HR Business Partner, Manager of Human Resources, Senior Manager of Human Resources, Director of Human Resources, Senior Director of Human Resources, and Vice President of 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 of current and/or former employees’ confidential information related to their personnel files and similar files housing their private information, and confidential job applicant information. I have reviewed the following materials that Oracle seeks to seal and the redacted versions of the same, which are attached as exhibits to the Declaration of Lara Graham in Support of Defendant Oracle America, Inc.’s Motion to Seal OFCCP’s Opposition:

<b>Graham Decl. Exhibit:</b>	<b>Document Name</b>	<b>Confidential Material</b>
<b>B</b>	OFCCP’s Statement of Genuine Disputes of Material Fact	Identifying information of non-party job candidates, including names: pp. 37, 43, 120, 174, 176, 186 Identifying personnel information of non-party employee including name and job-related information: p. 106
<b>C</b>	OFCCP’s Statement of Additional Uncontested Material Facts in Opposition to Oracle America, Inc.’s Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment	Identifying information of non-party job candidates, including names: p. 9
<b>D</b>	Declaration of Laura C. Bremer in Support of OFCCP’s Opposition to Oracle America, Inc.’s Motion for Summary Judgment, or, in the Alternative, for Partial Summary Judgment (“Bremer Decl.”)	Identifying information of non-party job candidates: ¶ 32 and exhibit list p. 2

<b>Graham Decl. Exhibit:</b>	<b>Document Name</b>	<b>Confidential Material</b>
<b>F</b>	Bremer Decl., Ex. 10 (Declaration of Wilbur A. Colin McGregor)	Identifying personnel information, including names and job-related information, of non-party employees in paragraphs discussing sensitive compensation and performance-related information: ¶¶ 9, 13, 15
<b>G</b>	Bremer Decl., Ex. 11 (Deposition of Juan Loaiza taken June 14, 2019)	Confidential race information about non-party employee: p. 27:2-4; Identifying personnel information of non-party employee: pp. 282:21, 290:24
<b>H</b>	Bremer Decl., Ex. 12 (Declaration of Avinash Pandey)	Identifying personnel information of non-party employee including name and job-related information: ¶ 12
<b>I</b>	Bremer Decl., Ex. 15 (Declaration of Donna Kit Yee Ng)	Identifying personnel information of non-party employee including name, along with confidential employee status: ¶ 12
<b>K</b>	Bremer Decl., Ex. 21 (Declaration of Lynn Snyder)	Identifying personnel information, including names and job-related information, of non-party employee with paragraphs discussing sensitive compensation and performance-related information: ¶¶ 9, 14, 16
<b>P</b>	Bremer Decl., Ex. 26 (ORACLE_HQCA_0000012204_12210)	Identifying personnel information, including name of non-party job candidate within email discussing candidate salary, and assessment-related information at ORACLE_HQCA_12204-12208
<b>Q</b>	Bremer Decl., Ex. 27 (ORACLE_HQCA_0000011640_11645)	Identifying personnel information, including name of non-party job candidate within email discussing candidate compensation offer at ORACLE_HQCA_0000011640-11641
<b>R</b>	Bremer Decl., Ex. 28 ORACLE_HQCA_0000012173-12183	Identifying personnel information, including name and address of non-party job candidate within email discussing candidate compensation offer ORACLE_HQCA_0000012173-12176

<b>Graham Decl. Exhibit:</b>	<b>Document Name</b>	<b>Confidential Material</b>
<b>S</b>	Bremer Decl., Ex. 29 (ORACLE_HQCA_0000036993_36994)	Identifying personnel information, including name and address of non-party job candidate at ORACLE_HQCA_0000036993
<b>T</b>	Bremer Decl., Ex. 30 (Declaration of Bhavana Sharma)	Identifying personnel information about non-party employees, including names: ¶¶ 8-10

4. Much of the redacted materials in the chart above contain confidential information that was derived from or is stored in the employee personnel and similar files of various current and/or former Oracle employees who are not parties to this litigation—information which Oracle goes to great lengths to protect—or contain confidential information derived from databases containing personnel and similar information.

5. These materials include information from confidential personnel records related to various current and former employees, and Oracle restricts access to this information. Oracle limits access to these materials because they include personal, private, and highly sensitive employee information, such as compensation information or performance evaluations. Oracle respects the privacy interests of its employees and maintains strict confidentiality policies to limit dissemination of information found within employee personnel and similar files. This includes limiting access to personnel information to those who have a legitimate business need to know. One of the ways Oracle achieves this is by restricting access through the use of login credentials that grant viewing and access rights to only those with a legitimate business need to review the information. As an added safeguard, Oracle requires employees to sign agreements that prohibit employees from sharing other Oracle employees' personnel information.

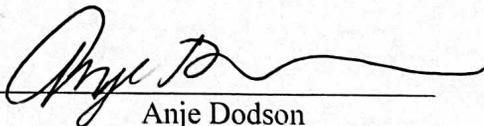
6. I have reviewed the documents attached in redacted form as Graham Decl. Exs. A-T, of which some portions contain confidential and identifying information of job candidates

and applicants for positions at Oracle. Oracle takes precautions and safeguards to maintain the confidential nature of the type of information Oracle seeks to seal here. Whether this confidential information is obtained and gathered by Oracle's talent advisors (recruiters) or is supplied by applicants, Oracle takes safeguards and precautions so as not to disseminate the information beyond those having a business need to know. Furthermore, Oracle stores this sort of candidate information in secure systems that are password protected and accessible by Oracle personnel having a legitimate business need to access such information.

7. The personal privacy interests of the Oracle employees and job candidates identified in these documents would be directly compromised if the material became public. Not only would the disclosure of these materials amount to an intrusion on their privacy interests, it could also lead to embarrassment, or even harassment by others, including coworkers, or members of the media given the media attention in this case. This is particularly true as some of the information identified in the chart above involves discussion of the particular skills and performance of employees who are not parties to the litigation. Equally important, public disclosure of such information would serve to erode employees' or job candidates' confidence in Oracle's commitment to safeguarding their privacy interests.

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

Executed in Boise, Idaho on November 13, 2019

  
Anje Dodson