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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 LES
CUNDALL IN SUPPORT OF
DEFENDANT ORACLE
AMERICA, INC.'S MOTION TO
SEAL LIMITED PORTIONS OF
PLAINTIFF OFCCP'S REPLY
TO OPPOSITION TO OFCCP'S
MOTION FOR SUMMARY
JUDGMENT AND OFCCP'S
REPLY IN SUPPORT OF
MOTION TO EXCLUDE THE
TESTIMONY AND REPORTS
OF DR. SAAD**

I, Les Cundall, declare as follows:

1. I make this declaration in support of Oracle America, Inc.'s ("Oracle") Motion to Seal ("Motion") Plaintiff OFCCP's Reply to Opposition to OFCCP's Motion for Summary Judgment and OFCCP's Reply in Support of Motion to Exclude the Testimony and Reports of Dr. Saad, and evidence submitted in support of the same (collectively, "Replies"). 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. Before signing this

DECLARATION OF LES CUNDALL IN SUPPORT OF MOTION TO SEAL

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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 Director, College Recruiting and have been with the College Recruiting team in a management capacity since March 2013. I started as a Senior Manager, was promoted to Director, and more recently to Senior Director. My responsibilities include ensuring the College Recruiting organization recruits and delivers qualified hires consistent with Oracle’s mandates and the needs of the business. I approve candidate employment offers and expenses for both candidates and our department, and hire, coach and manage the team.

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 college recruiting and policies and business practices regarding treatment of confidential commercial and personnel information related to Oracle’s college recruiting program in general, including those discussed in this declaration. I have reviewed the following materials that Oracle seeks to seal and the redacted versions of the same, the latter of which are attached as exhibits to the Declaration of Lara F. Graham in Support of Defendant Oracle America, Inc.’s Motion to Seal OFCCP’s Replies:

Graham Decl. Exhibit	Document Name	Confidential Material
D	Declaration of Janet M. Herold in Support of OFCCP’s Reply to Oracle’s Opposition to OFCCP’s Motion to Exclude Testimony and Reports of Dr. Ali Saad (“Herold Decl.”), Ex. B	Confidential Internal Network Configuration, Data Entry, and Network Access Information: ORACLE_HQCA_0000382687-0000382710

4. The redacted materials come from a confidential college recruiting training and process manual created by the College Recruiting organization. It contains proprietary commercial information related to Oracle's strategies and detailed processes for college recruiting, and 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 for college recruiting-related databases.

Internal Network Information for College Recruiting Databases.

5. The proprietary way in which Oracle has configured its College Recruiting platforms and applications in the network, and the manner in which they are integrated into Oracle's business, including instructions regarding how Oracle employees can gain access, and enter or extract data, are treated and maintained as confidential within Oracle. This is done to protect the sensitive applicant-related information housed in those systems, to protect the confidential details about Oracle's assessment of the applicants which also resides 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 college recruiting functions.

6. The redacted information discussed in the materials identified above reflect sensitive information, including but not limited to 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 confidential information ranging from Oracle's confidential hiring strategies to applicant-related data and 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 sensitive and private applicant information, as well as confidential information related to the conduct of Oracle's business, its strategies, and the way in which they

8. 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 this manner. 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 Palo Alto, CA on 11.20, 2019.

A handwritten signature in black ink, appearing to read "Les Cundall", written over a horizontal line.

LES CUNDALL