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 FARGO BANK, N.A.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

20 KELLY CARROLL, CHRYSTIANE LAYOG,  
 Individually and On Behalf of All Others Similarly  
 21 Situated,  
 22 Plaintiffs,  
 23 v.  
 24 WELLS FARGO & COMPANY, and WELLS  
 FARGO BANK, N.A.,  
 25 Defendants.  
 26

**Case No. 3:15-CV-02321 EMC**

**STIPULATED PROTECTIVE ORDER  
 SETTING FORTH DATA SECURITY  
 PROTOCOLS GOVERNING THE  
 PRODUCTION AND HANDLING OF  
 CONFIDENTIAL EMPLOYEE DATA;  
 AND [PROPOSED] ORDER REGARDING  
 SAME**

**Judge: Hon. Edward M. Chen**

1     1.     PURPOSE

2             Disclosure and discovery activity in this action will involve the production of data for current  
3 and former employees of Defendants, including time and pay records, and personal contact information.  
4 Wells Fargo contends this data is protected by third party privacy rights, which Wells Fargo is not  
5 authorized to waive. Accordingly, the parties hereby stipulate to and petition the Court to enter the  
6 following Stipulated Protective Order Setting Forth Data Security Protocols Governing the Production  
7 and Handling of Employee Data Designated as Confidential, which will be effective along with the prior  
8 Stipulated Protective Order entered by this Court on July 6, 2016 (“Prior Order”). The Prior Order is  
9 incorporated herein by reference and made part of this order.

10            To maintain the security of its private employee data, and as the custodian of such data, to  
11 protect against potential data breaches, Wells Fargo must ensure that appropriate information security  
12 protocols are observed in connection with the production and handling of such data. Because the data  
13 already ordered produced includes employee time and pay records, personal contact information, and  
14 Employee ID numbers for putative class members, Wells Fargo will be designating and treating this data  
15 as “Confidential” under the terms of the prior Stipulated Protective Order that was entered by this Court  
16 on July 6, 2016. This Stipulated Protective Order Setting Forth Data Security Protocols Governing the  
17 Production and Handling of Confidential Employee Data is meant to supplement the prior Stipulated  
18 Protective Order, which remains in effect.

19     2.     DATA PROTECTION PROTOCOLS

20            Wells Fargo will observe the following protocols in connection with the provision of private  
21 data, pursuant to modern generally accepted information security standards:

22            1.     Three copies of the production will be produced on three hard drives that feature hardware  
23 level encryption to protect the data in transit;

24            2.     Beyond the hardware level encryption, the production data itself will be contained within a  
25 VeraCrypt container that is protected by both a complex password and a keyfile. VeraCrypt is an open-  
26 source cryptography software that has been extensively audited by information security experts to be a  
27 secure method of data protection;

1           3.     Upon confirmation of delivery of the package to Plaintiffs' counsel, Wells Fargo will  
2 provide the following information via three separate communication methods in order to facilitate  
3 Plaintiffs' access to the data:

- 4           a.     The six digit hardware decryption PIN code;
- 5           b.     The VeraCrypt password;
- 6           c.     The VeraCrypt key file.

7           4.     Wells Fargo will also provide Plaintiffs' counsel a very short guide on how to operate  
8 VeraCrypt. Following the guide, accessing this data will take no more than five minutes.

9           5.     Everything Plaintiffs' counsel needs to access the underlying data will be provided to  
10 them by Wells Fargo. Plaintiffs' counsel will not need to purchase any third party software to access the  
11 data, or incur any expense whatsoever. By executing this document, Plaintiffs' counsel confirms that in  
12 accordance with the confidential and sensitive nature of the private data to be produced, that they and  
13 their employees, and any experts they retain, will ensure this data remains encrypted while it is at rest  
14 and not being used.

15           6.     Further, by executing this document, Plaintiffs' counsel confirms that in addition to the  
16 safeguards in paragraph 5, they will lock up the hard-drives in a secure location when not using the data.  
17 As noted, the private data to be produced will fall within the bounds of the Stipulated Protective Order  
18 filed July 6, 2016, and all of the provisions of that Order remain in effect and apply to the production of  
19 private employee data. Plaintiffs' counsel's execution of this document further confirms their  
20 willingness and ability, and that of any expert(s) they retain, to adhere to the protocols described herein  
21 while this data is in the possession, custody, and control of Plaintiffs' counsel and any experts they  
22 retain.

1 Pursuant to Local Rule 5-1(i)(3), I certify that all other signatories listed, on whose behalf the  
2 filing is submitted, concur in the filing's content and have authorized the filing.

3  
4 Dated: November 21, 2016

/s/ Andrew M. McNaught  
Andrew M. McNaught

5  
6 Dated: November 21, 2016

/s/ John M. Padilla  
John M. Padilla  
Counsel for Plaintiff

1 **[PROPOSED] ORDER FOR STIPULATED PROTECTIVE ORDER REGARDING THE**  
2 **PRODUCTION AND HANDLING OF CONFIDENTIAL DATA**

3 GOOD CAUSE APPEARING, it is hereby ORDERED that Plaintiffs' counsel and any experts  
4 they retain comply with the provisions of this Order.

5 IT IS SO ORDERED.

6 Dated: 11/22/2016

