



Facsimile Cover Sheet

To: Office of Consumer Protection
Company: Honolulu Office

Fax: 808.586.2640

From: Shawn Karasarides
Company: Wendy's International, Inc.
Phone: 614.764.3242
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Date: January 29, 2008

**Pages including this
cover page:** 7

Comments:

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Wendy's International, Inc. / PO Box 256 / 4288 West Dublin Granville Road / Dublin, Ohio 43017 / 614-764-3100



January 29, 2008

VIA FACSIMILE & ORDINARY MAIL

Office of Consumer Protection
Honolulu Office
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 801
Honolulu, Hawaii 96813
Facsimile: 808-586-2640

Re: **Wendy's International, Inc.'s Response to Compromise of Personal Information of Employee's Dependents**

Dear Sir or Madam:

We are writing to advise you of a recent incident involving an administrative error by Mercer Outsourcing (Life Choices Service Center), a service provider for Wendy's International, Inc.'s health benefits plan, resulting in the exposure of personal information for some employees' dependents.

Learning About the Breach and Investigating the Disclosure.

On November 29, 2007, Life Choices Service Center experienced an administrative error while printing 2008 Benefit Confirmation Statements. Specifically, the information printed on the 2008 Benefit Confirmation Statement for some Wendy's employees included dependent information for other Wendy's employees. This information included dependent names, Social Security numbers, and dates of birth.

Wendy's did not become aware of the breach until several days after the confirmation statements were mailed, when a number of employees began reporting receipt of incorrect statements. At that time, Wendy's immediately contacted Life Choices and began working with them to determine what had happened and why. On December 21, 2007, Life Choices mailed corrected Benefit Confirmation Statements to those employees who had received statements which included information pertaining to the dependents of other employees. The cover letter which accompanied the corrected statements directed these employees to destroy the incorrect statements that they had previously received.

Total number of Individuals Affected and the Number of Individuals in Hawaii Affected.

The total number of affected individuals was approximately 1006 (U.S.). The total number of affected individuals in Hawaii was seven.

One Dave Thomas Boulevard • P.O. Box 256 • Dublin, Ohio 43017 • 614-764-3100

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Communicating with Affected Individuals.

To ensure that the affected individuals could take immediate steps to protect themselves from possible identity theft or other monetary damage, Wendy's sent a communication to adult dependents and to the parent or guardian of minor dependents of affected Wendy's employees by first class mail on January 29, 2008, samples of which are Attachment 1 and 2 to this letter. Wendy's has also engaged Kroll Inc. to provide the affected employees' dependents with access to identity theft safeguards. The communication also advised the affected individuals to remain vigilant by reviewing account statements and monitoring free credit reports, as well as informed them of the following:

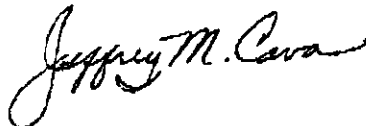
- The incident in general terms.
- The type of personal information that was included on the incorrect statements.
- The steps Wendy's has taken and is taking to protect the personal information from further unauthorized access.
- The telephone number that individuals can call for further information and assistance.
- Information that affected individuals would be receiving a subsequent communication about the identity theft safeguard services offered by Kroll, Inc..

Fortunately, at this time, Wendy's has no specific knowledge that any information contained on the incorrect statements has been misused. We also believe that the services we are offering to our employees' dependents will help them to immediately respond to any threats of identity theft or other misuse of their personal information as a result of this isolated incident.

We hope that this letter and its enclosure provide you with all the information you need. Please let us know if you have further questions or if we can be of further assistance.

Yours truly,

WENDY'S INTERNATIONAL, INC.



Jeffrey M. Cava
Executive Vice President, Human Resources

Enclosures

January 29, 2008

Dear Fellow Employee and Dependent (18 yrs. or older):

I am contacting you and your dependent because of a data security incident involving your dependent's data. On November 29, 2007, Mercer Outsourcing (Life Choices Service Center), a service provider for Wendy's health benefits plan, experienced an administrative error resulting in the exposure of personal information for some employees' dependents by virtue of that information being printed on the 2008 benefit Confirmation Statement generated for another Wendy's employee. This information included dependent names, Social Security numbers, and dates of birth. We have been working with Life Choices to better understand what happened and why.

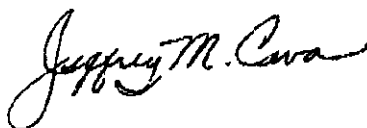
Although we have no indication that this information has been misused, we wanted to make you and your dependent aware of the incident and the steps we are taking. First, incorrect Confirmation Statements were corrected and the corrected statements mailed on December 21, 2007. The mailing of the corrected statements directed recipients to destroy the data. If you were a recipient of a corrected statement, we trust you have done so as to any data that you erroneously received. If you have not done so, please destroy the data now in a manner making it unreadable (e.g., shred it). Secondly, our provider has informed us that (i) the benefit coverage for dependents and payroll deductions were not affected; (ii) they have located and resolved the technical error, which was confined to Wendy's 2008 Confirmation Statements; and (iii) applicable systems and procedures have been corrected.

We have also engaged Kroll Inc., to provide your dependent with access to identity safeguards at no cost to you to address any difficulties encountered as a result of this incident. Your dependent will receive a separate mailing at your address from Wendy's and Kroll that provides greater detail about the services being offered to him or her. We encourage you to watch for the letter and to take time to review the available safeguards outlined therein.

Your dependent may want to consider taking additional steps. We have outlined some of those steps on the back side of this letter.

Life Choices has asked us to convey its sincere regret for any inconvenience this may have caused you. If you have any other questions, please contact your local HR staff member or contact Wendy's International, Inc. Corporate Office at 1-800-443-7266 and when prompted by the automated attendant, dial ext. 2018. Please also accept my personal apology for any concern that this incident may cause.

Yours truly,



Jeffrey M. Cava
Executive Vice President, Human Resources

Steps Regarding Identity Theft Protection

We recommend that your dependant consider taking additional steps. The Federal Trade Commission recommends several steps regarding identity theft prevention generally at <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/defend.htm>. That resource also provides information about the questions listed below and the FTC minimum recommendations include obtaining and reviewing the relevant credit report, filing a "fraud alert" and requesting a "credit freeze." Its other recommendations relate to actual incidents of identity theft which, we certainly hope, will not actually occur. The most current and detailed information is available online, but if you are not able to access the linked material, let me know and I will mail a copy of the FTC's answers to the following:

- 1- What are the steps I should take if I'm a victim of identity theft?
- 2- What is a fraud alert? (for the addresses of the credit reporting agencies needed to do this, visit <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/defend.htm#WhataretheStepsIshouldtakeifImVictimofIdentityTheft>; placing an alert should also result in delivery by those agencies of a copy of your credit report)
- 3- What is a credit freeze?
- 4- What is an identity theft report?
- 5- What do I do if the police only take reports about identity theft over the Internet or telephone?
- 6- What do I do if the local police won't take a report?
- 7- How do I prove that I'm an identity theft victim?
- 8- Should I apply for a new Social Security number?

For more information about preventing identity theft, please visit the FTC's website more at <http://www.ftc.gov/idtheft>, or contact it by mail at Federal Trade Commission, CRC-240, Washington, D.C. 20580, or by toll-free number, 1-877-FTC-HELP (382-4357) or 1-877-ID-THEFT (438-4338). [In Maryland: The contact information for the Maryland Attorney General is Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202, (410) 528-8662 or toll free at 1 (888) 743-0623; <http://www.oag.state.md.us/>.]

[In Massachusetts: In Massachusetts, state law requires us to provide the following information, some of which overlaps the federal rights described by the FTC. Under Massachusetts law, a person may request that a "security freeze" be placed on their consumer report (a/k/a credit report) by sending a request to a consumer reporting agency by certified mail, overnight mail or regular stamped mail to an address designated by the consumer reporting agency to receive such requests. If a security freeze is in place, the information from the person's consumer report is prohibited from being released to a third party without the person's prior express authorization. According to Massachusetts law, a consumer reporting agency may charge a reasonable fee, not to exceed \$5, if the person elects to freeze, lift or remove a freeze to their consumer report. For victims of identity theft, a consumer reporting agency must not charge the victim or their spouse a fee if a valid police report relating to the identity theft has been submitted to the consumer reporting agency.]

January 29, 2008

Dear Fellow Employee and Parent or Guardian of a Minor Dependent:

I am contacting you because of a data security incident involving your minor dependent's data. On November 29, 2007, Mercer Outsourcing (Life Choices Service Center), a service provider for Wendy's health benefits plan, experienced an administrative error resulting in the exposure of personal information for some employees' dependents by virtue of that information being printed on the 2008 benefit Confirmation Statement generated for another Wendy's employee. This information included dependent names, Social Security numbers, and dates of birth. We have been working with Life Choices to better understand what happened and why.

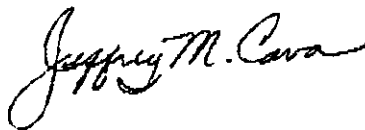
Although we have no indication that this information has been misused, we wanted to make you aware of the incident and the steps we are taking. First, incorrect Confirmation Statements were corrected and the corrected statements mailed on December 21, 2007. The mailing of the corrected statements directed recipients to destroy the data. If you were a recipient of a corrected statement, we trust you have done so as to any data that you erroneously received. If you have not done so, please destroy the data now in a manner making it unreadable (e.g., shred it). Secondly, our provider has informed us that (i) the benefit coverage for dependents and payroll deductions were not affected; (ii) they have located and resolved the technical error, which was confined to Wendy's 2008 Confirmation Statements; and (iii) applicable systems and procedures have been corrected. We have also been advised that credit reporting agencies do not knowingly keep credit files on minors.

We have also engaged Kroll Inc. to provide your minor dependent with access to identity safeguards at no cost to you to address any difficulties encountered as a result of this incident. As the parent or guardian, you will receive a separate mailing from Wendy's and Kroll that provides greater detail about the services being offered to your minor dependent. We encourage you to watch for the letter and to take time to review the available safeguards outlined therein. Although the services are for your minor dependent, Kroll is prepared to answer questions and respond to requests from you as the parent or guardian of your minor dependent.

You may want to consider taking additional steps on behalf of your minor dependent. We have outlined some of those steps on the back side of this letter.

Life Choices has asked us to convey its sincere regret for any inconvenience this may have caused you. If you have any other questions, please contact your local HR staff member or contact Wendy's International, Inc. Corporate Office at 1-800-443-7266 and when prompted by the automated attendant, dial ext. 2018. Please also accept my personal apology for any concern that this incident may cause.

Yours truly,



Jeffrey M. Cava
Executive Vice President, Human Resources

Steps Regarding Identity Theft Protection

We recommend that employees whose minor dependant information was exposed consider taking additional steps as relevant to minors. The Federal Trade Commission recommends several steps regarding identity theft prevention generally at <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/defend.html>. That resource also provides information about the questions listed below and the FTC minimum recommendations include obtaining and reviewing the relevant credit report, filing a "fraud alert" and requesting a "credit freeze." Its other recommendations relate to actual incidents of identity theft which, we certainly hope, will not actually occur. The most current and detailed information is available online, but if you are not able to access the linked material, let me know and I will mail a copy of the FTC's answers to the following:

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