



December 21, 2007

**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

RECEIVED

DEC 21 2007

OFFICE OF CONSUMER PROTECTION  
HONOLULU, HAWAII

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

Dear Sir or Madam:

We are writing to advise you of a recent incident involving the theft of a company-issued laptop containing certain personal information belonging to Wendy's employees. As described below, Wendy's first learned of this breach on December 3, 2007, and took prompt action to: ensure that law enforcement was informed; determine what information had been compromised; and obtain authorization from law enforcement to release notice to the affected employees.

**Learning About the Breach**

On December 3, 2007, we were notified by an employee of a car burglary at an employee's residence on December 1, 2007, which resulted in the theft of a company-issued laptop. Several cars in the neighborhood were the subject of break-ins that evening. Accordingly, it may well be that computer data was not the target of the burglary, that the perpetrators are not aware that personal information is on the laptop, or that they are not sophisticated enough to access the data (the employee's log-in and password are required for traditional access methods, and the information was in a subfolder with an uninformative title). The information included the name, email address, social security number, employee identification number, and salary information of certain employees of Wendy's.

**Investigating the Disclosure.**

The day Wendy's learned of the incident, Wendy's began working with the employee whose laptop was stolen and representatives of Wendy's Information Technology Department to determine what information might have been stored on the laptop. Wendy's was able to compile the type of data resident on the laptop and the employees affected.

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

The total number of affected individuals was around 1092 (U.S). There was only one individual in Hawaii affected.

### **Communicating with Affected Individuals.**

In order to ensure that affected individuals could take immediate steps to protect themselves from possible identity theft or other monetary damage, Wendy's sent a communication by first class mail on December 21, 2007, a sample of which is Attachment 1 to this letter. The Company also retained TransUnion to provide the credit monitoring services more fully described in Attachment 1. The notice informed affected individuals of:

- The incident in general terms.
- The type of personal information that was on the laptop.
- The steps Wendy's is taking to protect the personal information from further unauthorized access.
- The telephone number that individuals could call for further information and assistance.
- Information about the credit monitoring services offered by TransUnion for Wendy's employees
- To remain vigilant by reviewing account statements and monitoring free credit reports.

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

We hope that this letter and its enclosure provides 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.

Robert Whittington  
Chief Information Officer

Enclosure

## ATTACHMENT 1

December 21, 2007

Re: Notification of Security Incident Involving Your Personal Information

Dear Fellow Employee:

I am contacting you because of a recent security incident involving your personal information. On December 3, 2007, we were notified by an employee of a car burglary at the employee's residence on December 1, 2007, which resulted in the theft of a company-issued laptop computer. Several cars in the neighborhood were the subject of break-ins that evening. Accordingly, it may well be that computer data was not the target of the burglary, that the perpetrators are not aware that personal information is on the laptop, or that they are not sophisticated enough to access the data (the employee's log-in and password are required for traditional access methods, and the information was in a subfolder with an uninformative title).

Nevertheless, sensitive information was on the laptop and we write so that you may take precautions. The information included the name, email address, social security number, employee identification number, and salary information of employees of Wendy's International, Wendy's Restaurants of Canada and The New Bakery who are on a common review date (but not including store level personnel or others in the Field who are not on a common review date), including your information.

We have filed a police report with state law enforcement, are cooperating with their investigation and have received authorization for this notice. We are also determining internally whether having that data on the laptop was consistent with Wendy's data security policies and exceptions.

Also, and for your particular protection, we have arranged to provide you with an on-line credit monitoring service. This service is available for one year at no cost to you and will include the features described below. You will need to sign up for the service, however, within 90 days of the date of this letter (to March 31, 2008). To do that, please do as follows:

go the TransUnion Web site at <http://www.truecredit.com/code> and in the space referenced as gift certificate code, enter: **WHAA-DJVC-XMRB-VSTB** in *uppercase*, and follow the simple steps to receive your products online instantly. Please note that the gift certificate code is valid for 90 days from the date of this letter. Upon enrollment you will be able to obtain one year of unlimited access to your TransUnion credit reports and credit scores. The one year of TransUnion credit monitoring service will also notify you within 24 hours via email if there are any critical changes to your TransUnion credit file. You can quickly find out about changes including fraudulent activity, new inquiries, new accounts, late payments, change of address, and more. Up to \$25,000 in identity theft protection with \$0 deductible (certain limitations and exclusions may apply.)

You can also take additional steps to protect yourself against misuse of your data and Wendy's recommends that you read and take the steps recommended by the Federal Trade Commission at <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/defend.html>. That resource provides information about the questions listed below. The FTC's recommended steps, at minimum, include obtaining and reviewing your credit report, filing a "fraud alert" and requesting a "credit freeze." The 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, please use the contact information

below to let a Wendy's representative know and we will arrange to mail you 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.html#WhatarethestepsIshouldtakeifImavictimofidentitytheft>; 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 steps you can take to help prevent identity theft, you may wish to visit the FTC's website more generally 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). *[For Maryland residents only: 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 (888) 743-0023, <http://www.oag.state.md.us/>.]*

Even if you decide not to exercise your right to place a "fraud alert" on your credit report, you may still obtain a free copy of your credit report from the major, national credit reporting agencies in order to do a review for any suspicious activity. To do so, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), or call toll-free 877-322-8228, or complete the Annual Credit Report Request Form and mail it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. You can print the request form from <http://www.ftc.gov/credit>. Do not contact the three nationwide consumer reporting companies individually to obtain this free annual report; they provide it only through [www.annualcreditreport.com](http://www.annualcreditreport.com), 877-322-8228, and Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. You should remain vigilant for 12 to 24 months and watch for incidents of fraud or identity theft.

Wendy's deeply regrets this development. As you know, Wendy's has significant policies regarding data security and we will be reviewing them to see if changes are advisable to help avoid future incidents. Policies are not foolproof against criminals, however, so we request increased vigilance on your part not only as to your personal information, but also as to all sensitive information of Wendy's or its employees.

If you have 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. 8052. Please also accept my personal apology for any concern that this situation might create for you.

Yours truly,

WENDY'S INTERNATIONAL, INC.

Robert Whittington  
Chief Information Officer