

*KIND DMF*

### North Carolina Security Breach Reporting Form Pursuant to the Identity Theft Protection Act of 2005

Name of Business Owning or Licensing Information Affected by the Breach:

Address: Wendy's International, Inc.

One Dave Thomas Blvd

Telephone: 614-764-3100

Fax: 614-764-3243

Email: \_\_\_\_\_

**PLEASE SUBMIT FORM TO:**  
Consumer Protection Division NC  
Attorney General's Office 9001  
Mail Service Center  
Raleigh, NC 27699-9001  
Telephone: (919) 716-6000  
Toll Free in NC: (877) 566-7226  
FAX: (919) 716-6050

Date Security Breach Reporting Form submitted: January 29, 2008

Date the Security Breach was discovered: See attached notice

Estimated number of affected individuals: 1006

Estimated number of NC residents affected: 27

Name of business maintaining or possessing information that was the subject of the Security Breach, if the business that experienced the Security Breach is not the same entity as the business reporting the Security Breach (pursuant to N.C.G.S. § 75-65(b)): Mercer Out Sourcing (Life Choices Service Center)

Describe the circumstances surrounding the Security Breach and state whether the information breached was in electronic or paper format: Benefit Confirmation Statements for some Wendy's employees contained dependent information (name, DOB,SSN) for other employees

Regarding electronic information breached, state whether the information breached or potentially breached was password protected or encrypted in some manner. N/A If so, please describe the security measures protecting the information: N/A

Describe any measures taken to prevent a similar Security Breach from occurring in the future: Life Choices advises Wendy's that they have located and resolved the technical error and applicable systems and procedures have been corrected.

Date affected NC residents were/will be notified: January 29, 2008

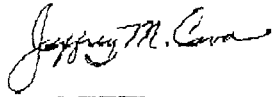
If there has been any delay in notifying affected NC residents, describe the circumstances surrounding the delay pursuant to N.C.G.S. § 75-65(a) and (c):

If the delay was pursuant to a request from law enforcement pursuant to N.C.G.S. § 75-65(c), please include the written request or the contemporaneous memorandum.

How NC residents were/will be notified?  
(pursuant to N.C.G.S. § 75-65(e))

Please attach copy of the notice if in written form or a copy of any scripted notice if in telephonic form.

- written notice
- electronic notice (email)
- telephone notice
- substitute notice



Signature: \_\_\_\_\_

Date: January 29, 2008

Contact Person, Title: Jeffrey Cava - Executive Vice President, Human Resources

Address: \_\_\_\_\_  
(if different from above)

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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.

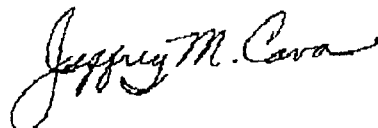
Although we have no indication that this information has been misused, we wanted to make you and your dependent aware of the incident and the steps we are taking. First, incorrect Confirmation Statements were corrected and the corrected statements mailed on December 21, 2007. The mailing of the corrected 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 unrecadable (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.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:

- 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 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.]