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FOUNDED 1866

December 17, 2008

**By Federal Express**

The Honorable Martha Coakley  
Attorney General for the Commonwealth of Massachusetts  
One Ashburton Place  
Boston, MA 02108

Re: Notice of Data Breach Incident

Dear Madam Attorney General:

We write on behalf of our client, Norfolk Southern, Corp. ("Norfolk Southern"), to inform you of a recent data security incident. A company hired by Norfolk Southern to convert our paper pension files to an electronic format, Imaging Solutions and Services, Inc. ("ISSI"), apparently experienced a theft of information from our files as they were being processed. We understand that one or more ISSI personnel are suspected of intentionally taking information from our files, including names and Social Security Numbers, for the purpose of fraudulently obtaining credit. The theft occurred in November and December of 2007, and Norfolk Southern was alerted on October 29, 2008. ISSI was informed of the incident by a detective working for the Shelby County (Memphis) Sheriff's Office, on loan to the task force handling the investigation. At this point, the law enforcement task force assigned to this case has identified six Norfolk Southern retirees or their spouses that may have been the target of fraudulent activity. We also understand that two suspects are in law enforcement custody.

We are still attempting to understand this incident fully, and Norfolk Southern has been receiving information from law enforcement in Shelby County, Tennessee, as it becomes available. On November 10, 2008, however, law enforcement authorities advised Norfolk Southern that providing notice would not interfere with their ongoing investigation.

Out of an abundance of caution, Norfolk Southern is informing everyone whose file was processed by the suspected criminals of the incident so they may take preventative actions to monitor and protect their personal information, even in those states whose data breach notification laws do not include paper records.

We currently estimate the total population affected by this breach at approximately 5,400 individuals. At present, we understand that two (2) Massachusetts residents' information was



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processed by the suspected criminals. Norfolk Southern is offering data subjects one year of free credit monitoring. The credit monitoring product is being provided through Experian. It includes toll-free customer service, 7-days a week, and \$25,000 in identity theft expense insurance (except in New York where such insurance is prohibited by law).

Please do not hesitate to contact me at (202) 736-8010 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed R. McNicholas". The signature is written in a cursive, slightly slanted style.

Edward R. McNicholas

Enclosure



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-9211

**Cindy C. Earhart**  
Vice President Human Resources

**HR HelpDesk**  
800-267-3313  
hrhelpdesk@nscorp.com

December 19, 2008

[Insert Name field here]  
[Insert Street Address field here]  
[Insert City, State, and Zip Code fields here]

Dear Norfolk Southern Employee, Retiree or Spouse:

I am writing regarding an incident that involves your personal information. A company hired by Norfolk Southern to convert our paper pension files to an electronic format, Imaging Solutions and Services, Inc. ("ISSI"), apparently experienced a breach of security. You are receiving this notice because you are a Norfolk Southern retiree, spouse of a retiree, or a person whose information may have been stored in the files that were compromised, and I want to explain some actions you may wish to take.

We recommend that you remain vigilant by reviewing your credit card and other account statements and by monitoring your credit reports for unauthorized activity. To help do this, Norfolk Southern is offering one year of free credit monitoring. The credit monitoring product is being provided through Experian. It includes toll-free customer service, 7-days a week, and \$25,000 in identity theft expense insurance. On the reverse side of this letter is additional information about the Experian product and instructions for registering by phone or using the internet. You will need to provide the unique individual code shown on the attached page when registering. If you wish to receive this free credit monitoring product, you must register by March 31, 2009. I encourage you to do so as soon as possible. I have also enclosed general information about identity theft that you may find helpful.

If you suspect your personal information has been misused, you should report this to your local law enforcement. We also ask that you advise Norfolk Southern of any suspected misuse by calling the Human Resources HelpDesk at 800-267-3313.

Let me assure you that we are fully committed to protecting all of the personal information that is entrusted to us, and we sincerely apologize for this unfortunate incident and any inconvenience or concern it has caused. If you have any questions regarding this letter, please contact the Human Resources HelpDesk at the number above.

Sincerely,

A handwritten signature in black ink that reads "Cindy Earhart". The signature is written in a cursive, flowing style.

## EXPERIAN TRIPLE ADVANTAGE PREMIUM CREDIT MONITORING

To help you detect the possible misuse of your personal information, we are providing you with a one year membership in Experian's Triple Advantage<sup>SM</sup> Premium credit monitoring product at no cost to you. Triple Advantage Premium will monitor your credit reports at the three national credit reporting companies: Experian, Equifax<sup>®</sup> and TransUnion<sup>®</sup> and notify you of key changes. Triple Advantage Premium is a powerful tool that will help you identify potentially fraudulent use of your information. Your Triple Advantage Premium membership is completely free and will not hurt your credit score.

Your complimentary 12-month **Triple Advantage<sup>SM</sup> Premium** membership includes:

- Triple Advantage Premium monitors your credit reports every day so you don't have to
- Email alerts when key changes are detected so you can act quickly
- A free three bureau credit report and score
- If you become a victim of fraud or identity theft, our Fraud Resolution Team will assist you with the recovery process, every step of the way
- \$25,000 in identity theft insurance provided by Virginia Surety Company, Inc. with no deductible (this benefit is not available to residents of New York under New York law)

Once again, you have until March 31, 2009, if you wish to activate this membership, which will then continue for 12 full months. We encourage you to activate your credit monitoring membership as soon as possible.

The web site to enroll in Triple Advantage Premium and your individual activation code are both listed below. To sign up, please visit the web site and enter your individual activation code. Please keep in mind that once activated, the code cannot be re-used for another enrollment. The web site will guide you through the process of enrolling in Triple Advantage Premium.

**Triple Advantage Premium Web Site:** <http://partner.consumerinfo.com/norfolksouthern>

**Your Activation Code:** [insert Activation Code]

If you wish to enroll over the phone for delivery of your membership via US mail, please call (866) 252-0121.

**Please note that your method of enrollment in Triple Advantage Premium – either by telephone or over the internet -- will dictate the method that you receive the Experian credit monitoring product. If enrollment is by the internet, you will receive the credit monitoring product through the internet only. If enrollment is by telephone, you will receive the credit monitoring product in paper form through the mail only.**

## **TIPS FOR PROTECTING AGAINST IDENTITY THEFT**

In addition to activating the Experian credit monitoring, also consider the identity theft protection tips below. You should remain vigilant by reviewing your credit card bills and credit reports for unauthorized activity. Experian's Fraud Resolution team can help if you become a victim of identity theft.

### **Request an annual consumer credit report**

Everyone is entitled to receive annually one free copy of their consumer credit report from each of the three national consumer reporting agencies. You may request your free annual consumer credit report immediately by visiting [www.annualcreditreport.com](http://www.annualcreditreport.com) or by calling 1-877-FACTACT (1-877-322-8228). You should promptly report any suspected identity theft to your local law enforcement agency, the U.S. Federal Trade Commission, your financial institution, and to the Fraud Alert phone line of a consumer reporting agency. The toll free numbers for the three national reporting agencies are:

- Equifax: 1-877-478-7625 or online at [www.fraudalerts.equifax.com](http://www.fraudalerts.equifax.com)
- Experian: 1-888-397-3742
- TransUnion: 1-800-680-7289

### **Place a fraud alert**

If your Social Security Number was involved, consider placing a fraud alert on your credit files. A fraud alert requires potential creditors to use what the law refers to as "reasonable policies and procedures" to verify your identity before issuing credit in your name. A fraud alert lasts for 90 days. You can place an alert by calling one of the three credit reporting agencies listed above.

### **File a police report**

If your personal information has been misused, report it to your local law enforcement, and get a copy of the police report. You may need to give copies of the police report to creditors to clear up your records.

### **Place a security freeze**

Victims of identity theft also have the right to place a security freeze on their consumer reports. A security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. However, a security freeze may delay your ability to obtain credit. You may request that a security freeze be placed on your consumer report by sending a request to a consumer reporting agency by certified mail, overnight mail, or regular stamped mail to the addresses below:

Equifax Security Freeze  
P.O. Box 105788  
Atlanta, Georgia 30348  
[www.equifax.com](http://www.equifax.com)

Experian Security Freeze  
P.O. Box 9554  
Allen, Texas 75013  
[www.experian.com](http://www.experian.com)

TransUnion Fraud Victim Assistance  
P.O. Box 6790  
Fullerton, California 92834  
[www.transunion.com](http://www.transunion.com)

(over)

### **Place a security freeze (continued)**

The following information should be included when requesting a security freeze:

- (1) full name, with middle initial and any suffixes;
- (2) Social Security number;
- (3) date of birth;
- (4) current address for the past two years;
- (5) any applicable incident report or complaint with a law enforcement agency.

The request should also include a copy of a government-issued identification card (such as a driver's license or military ID) and a copy of a recent utility bill or bank or insurance statement. Each copy should be legible, display your name and current mailing address, and the date of issue. The consumer reporting agency may charge a fee to place or lift a freeze, unless you are a victim of identity theft or the spouse or dependent of a victim of identity theft, and you have submitted a valid police report relating to the identity theft to the consumer reporting agency.

### **Learn More About Identity Theft**

To learn more about identity theft or to report an incident of identity theft, you can go to the Federal Trade Commission's web sites, [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft), [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft), or call the FTC's Identity Theft Hotline at 877-438-4338 to request information.