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MAR 20 2008
ATTORNEY GENERAL'S OFFICE
CPAD

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March 17, 2008

Assistant Attorney General Scott Schaefer
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: S&K Famous Brands Data Security Breach

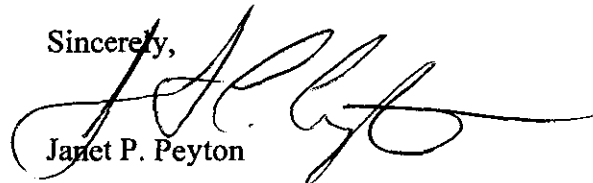
Dear Mr. Schaefer:

As you and I have previously discussed, this firm represents S&K Famous Brands ("S&K"), which suffered a data security breach in its online store located at www.skmenwear.com on or about October 24, 2007. Pursuant to Mass. Gen Laws ch. 93H, § 3 (2007), S&K sent notices to all affected Massachusetts residents that included certain information about the incident as well as tips on how affected residents could protect their personal information and notified your office of the breach and the notices.

Per your notification to us regarding your concerns about the sufficiency of the content of the letter, a supplemental notice was sent to each affected Massachusetts resident, which discusses a consumer's right to obtain a police report, procedures for requesting a security freeze from consumer reporting agencies, the necessary information to be provided when requesting a security freeze, and the associated fees. An example of the supplemental notice is enclosed.

We hope that this will satisfy any and all concerns the Attorney General's office has regarding our notice to Massachusetts residents about this incident. If you have any additional questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Janet P. Peyton

Enclosure

cc: Mr. Bert Hardy



March 7, 2008

You do not need to make any changes to your S&K menswear accounts or to change the way you do business with us.

Dear Valued Customer:

We recently contacted you regarding our discovery of the unauthorized access of our online store, located at www.skmenswear.com, by an unknown party. In our letter, we indicated that your personal information—including your name, address, credit card number, and expiration date—may have been accessed on or about October 24, 2007 without proper authorization. This letter will serve as a supplementary notice of your rights under Massachusetts law as it pertains to this unauthorized access and is designed to help protect you from the potential misuse of your information, including the potential of identity theft.

Your Rights Under Massachusetts Law

- ❖ **Obtain or File a Police Report** – If S&K Famous Brands files a police report in your jurisdiction, you have a right to obtain it. You also have the right to file a police report.
- ❖ **Place a Fraud Alert on Your Credit File** - A fraud alert tells creditors to take extra precautions before they open any new accounts or change any existing accounts. A fraud alert can be placed by calling the Automated Fraud Alert systems at the numbers below for any one of the three credit reporting agencies. You only need to contact one of the three credit reporting agencies; your request will be shared electronically with the other two repositories.
- ❖ **Place a Security/Credit Freeze on Your Credit File** - A security/credit freeze prevents third parties from accessing your credit report without your consent. A security freeze must be placed with each of the three credit reporting agencies for it to appear in their records. Because a security freeze can hinder one's ability to obtain credit, all three agencies recommend that applicants plan ahead before placing the freeze.

Under Massachusetts law, identity theft victims and their spouses are not charged to place a security freeze on their credit files if they supply a police report or similar document (e.g. and identity theft report or DMV report) to the credit reporting agency with whom a security freeze is placed. All others are required to pay \$5.00 dollars to each credit reporting agency

S&K Famous Brands, Inc.

Mailing: P.O. Box 31800, Richmond, Virginia 23294-1800

Shipping: 11100 West Broad Street, Glen Allen, VA 23060

Telephone: 804-346-2500 Fax: 804-747-3979 <http://www.skmenswear.com>

with whom a security freeze is placed. The mechanism for requesting a security freeze and the information required differs for each credit reporting agency:

➤ **Equifax** – You may submit a written request or call 1-800-685-1111. A written request must include your name, address, date of birth, Social Security Number, proof of current address (such as a current utility bill), and payment of applicable fees to request a security freeze of your credit file if required. Personal checks, American Express, Mastercard, VISA, and Discover Cards are acceptable forms of payment. If you are required to pay and are paying by credit card, you must include the following information:

- Name of the person as it appears on the credit card
- Type of credit card (American Express, Mastercard, VISA, or Discover Card)
- Complete account number
- Expiration data (month and year)
- For American Express - 4 digit Card Identification Number (on front of card above the account number)
- For Mastercard, VISA, or Discover Card - 3 digit Card Identification Number (on back of card at the end of the account number. Please do not send cash through the mail.

If you are an identity theft victim and are requesting a security freeze you must also include a copy of a police report, identity theft report, or other government law enforcement agency report, such as a DMV report. All written requests must be sent to: **Equifax Security Freeze, P.O. Box 105788, Atlanta, Georgia 30348.**

➤ **TransUnion** – You must submit a written request. Your request must include your name, address, Social Security Number and a credit card number and expiration date to pay the applicable fee, if any, for the service. You must also include proof of your current residence, such as a state issued identification card or driver's license. All written requests must be sent to: **TransUnion, Fraud Victim Assistance Department, P.O. Box 6790 Fullerton, CA 92834.**

➤ **Experian** – You must submit a written request. Your request must include your full name, with middle initial and generation, such as Jr., Sr., II, III, etc.; Social Security number; date of birth (month, day and year); current address and previous addresses for the past two years; one copy of a government issued identification card, such as a driver's license, state or military ID card, etc., and one copy of a utility bill, bank or insurance statement, etc.; and \$5 fee or a valid investigative or incident report or complaint with a law enforcement agency or the DMV. All written requests must be sent to: **Experian Security Freeze, P.O. Box 9554, Allen, TX 75013.**

❖ **Check Your Credit Card and Other Account Statements Regularly** - Also check your credit report periodically. If you find suspicious activity on your account statements or credit report or have reason to believe your information is being misused, we urge you to call your local law enforcement agency and file a police report. You should get a copy of the police

report since many creditors want the information it contains to address the fraudulent debts and, as previously mentioned, many credit reporting agencies require it to place a free security freeze on your credit file. You may notify the three major credit reporting agencies—Experian, TransUnion and Equifax—about the police report using the contact information below:

Equifax Credit Information Services, Inc. P.O. Box 740256 Atlanta, GA 30374 www.equifax.com Automated Fraud Alert-1.800.525.6285 Order Credit Report-1.800.685.1111	TransUnion Credit Bureau P.O. Box 6970 Fullerton, CA 82834 www.transunion.com Automated Fraud Alert-1.800.680.7289 Order Credit Report-1.800.680.7289	Experian P.O. Box 9532 Allen, TX 75013 www.experian.com Automated Fraud Alert-1.888.397.3742 Order Credit Report-1.888.397.3742
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In addition, you should file a complaint with the Federal Trade Commission (FTC) at www.consumer.gov/idtheft or at 1-877-ID-THEFT (438-4338), which offers consumer assistance and educational materials relating to identity theft and privacy issues. The complaint will be accessible to law enforcement for their investigations.

We sincerely apologize to you for this situation and want to assure you that protecting the security and privacy of your information remains our top priority. We have made and will continue to make significant investments in security software, systems and procedures, and will remain vigilant in protecting you.

We want to answer any questions and address any concerns that you may have about this matter. For more information, including a list of Frequently Asked Questions (FAQs), please go to www.skmenwear.com/security or contact us at 1.877.850.1033. We encourage you to review the FAQs and, if you have a question, send us an email at security@skmenwear.com. Once again, please be assured that your security and privacy are our top concern at S&K Menswear.

Sincerely,

S&K Menswear



VIA CERTIFIED MAIL

Martha Coakley
Attorney General
SECURITY BREACH NOTIFICATION
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Dear Ms. Coakley:

Pursuant to the Mass. Gen Laws (ch. 93H, § 3) (2007), this letter is to inform you that S&K Famous Brands ("S&K") recently experienced a data security breach in its online store located at www.skmenswear.com. S&K has reason to believe that the personal information of 66 of its online customers who reside in the State of Massachusetts may have been accessed on or about October 24, 2007 without proper authorization. The personal information affected may include the name and address of the resident, his or her credit card number, and the expiration date of his or her credit card. S&K has determined, however, that no social security numbers, CVV2 data, or track 2 magnetic stripe data were compromised during the breach.

S&K was notified of a suspicious e-mail addressed to its customers on Wednesday, October 24th at approximately 3:00 p.m. (a copy is attached for your convenience). The e-mail was sent from a fictitious S&K e-mail address. The body of the e-mail appeared to contain an S&K order number and the last four digits of the credit card number used by the customer to whom it was addressed. The e-mail requested that the customer provide a credit card identification number.

Once notified, S&K immediately assembled a response team to assess the situation. Because the response team could not readily determine if there had been a breach of the online store or if someone had intercepted an S&K order confirmation e-mail, a decision was made at 3:30 p.m. the same day to disconnect the online store and disable remote access to S&K's network. Further to these actions, S&K:

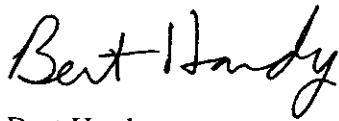
- Notified credit card issuers
- Purged or masked credit card data on its servers
- Changed all user names and passwords on the system
- Hired a leading provider of information security to conduct a full forensic security audit as required by the major credit card issuers
- Notified various law enforcement agencies including the FBI and Secret Service

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S&K's investigation of this incident is ongoing. In addition to continuing its investigation, S&K plans to send notices to all affected Massachusetts residents no later than Wednesday, December 5, 2007 as required by the Mass. Gen Laws (ch. 93H, § 3) (2007).

S&K believes this letter is compliant with the notice requirements delineated in the Mass. Gen Laws (ch. 93H, § 3) (2007). If, however, you require additional information or documentation, please do not hesitate to contact Bert Hardy at (804) 346-2500. Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script that reads "Bert Hardy". The signature is written in black ink and is positioned above the printed name and title.

Bert Hardy
Chief Information Officer