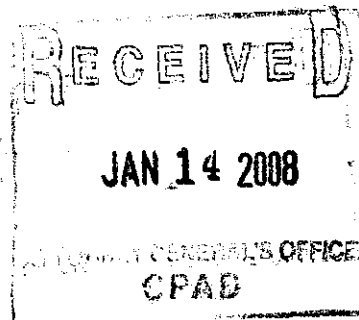




January 8, 2008

Writer's Direct Dial: 614-764-3242

Writer's Direct Fax: 614-764-3243



Scott D. Schafer
Assistant Attorney General
Office of the Attorney General
Consumer Protection Division
One Ashburton Place
Boston, MA 02108

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

Dear Mr. Schafer:

This is in response to your letter of January 4, 2008 and in follow up to my recent voice mail message to you.

When Wendy's International, Inc. notified its employees of the security incident in question, the Massachusetts employees were notified with a letter which was distinct from the letter sent to employees in other states. This was due to Massachusetts having requirements with respect to such notification which differ from those of other states. When the letter was sent to the Office of the Attorney General for the Commonwealth of Massachusetts advising of our response to the compromise of personal information, a sample of the notification letter for the employees in other states was inadvertently enclosed.

Enclosed is a sample of the notification letter which was provided to the Massachusetts employees. I trust that providing you with this sample letter satisfactorily addresses the concerns expressed in your correspondence.

With respect to the police accident report associated with the theft of the laptop, this report was filed by the individual employee, not by Wendy's International, Inc. In an effort to preserve that individual's privacy, information regarding the police report is being provided only upon specific request. As we have provided all of the affected employees with detailed notification, along with specific means to protect themselves and their financial wellbeing, we do not anticipate that many employees will require more detailed information regarding the theft in question.

Thank you for your attention in this matter and, should you have any questions, please feel free to contact me.

Yours truly,

WENDY'S INTERNATIONAL, INC.

Shawn Karasarides
Managing Corporate Counsel

Enclosure

bcc: Robert Whittington
Frances Wright

160886

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 an incident on December 1, 2007, whereby a third party acquired a device containing computerized data; the incident was one of several crimes in the area. Accordingly, it may well be that data was not the target of the crime, that the perpetrators are not aware that the data includes personal information, or that they are not sophisticated enough to access the data. Massachusetts law prohibits us from describing the nature of the incident, but we want you to know that sensitive information was involved and we write so that you may take precautions. The information at issue included the name, email address, social security number, employee identification number, and salary information of certain employees of Wendy's, 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 to the TransUnion Web site at <http://www.transunion.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 1 (800) 743-0023, <http://www.oag.state.md.us/>.]

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, you may request that a "security freeze" be placed on your 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 your consumer report is prohibited from being released to a third party without your prior express authorization. According to Massachusetts law, a consumer reporting agency may charge you a reasonable fee, not to exceed \$5, if you elect to freeze, lift or remove a freeze to your consumer report. However if you are a victim of identity theft, a consumer reporting agency must not charge you or your spouse a fee if you have submitted a valid police report relating to the identity theft to the consumer reporting agency.

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, 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, 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

SAMPLE