



Syeda B. Raza, Esq.
Vice President
HR/Regulatory Compliance

October 2, 2009

Via Facsimile & First Class Mail Return Receipt Requested
(Facsimile No: 207-874-8497)

Gary Wood, Esq.
Corporation Counsel, City Hall
389 Congress Street
Portland, Maine 04101

CONSUMER PROTECTION DIVISION
RECEIVED

OCT 5 2009

OFFICE OF ATTORNEY GENERAL

RE: Unlawful Disclosure of Personal Information

Dear Mr. Wood:

It has come to our attention that personally identifying information of the following officers and employees of Host International Inc., has been posted on the World Wide Web by the City of Portland:

- Elie Wajih Maalouf
- Bernard Nathaniel Brown
- Charles Edward Powers
- Mark Theodore Ratych
- Laura Anna Babin
- Sadye Calvene Sanders

This information includes names, addresses, dates of birth, social security numbers, and other information of a similar nature. We were first notified of this breach on October 1, 2009 by the City Clerk. At that time, we were informed that the personal information had been posted in error and remained posted for almost a week, but that it had been removed upon discovery. However, our research shows that the information continues to remain on the City's website as of the date/time of this letter.

The City's actions violate a number of Federal and State laws prohibiting the posting of social security numbers and use/display of personally identifiable information, including the State's Notice of Risk to Personal Data Act (Me. Rev. Stat. tit. 10, § 1346). As I am sure you are aware, this statute requires prompt investigation in good faith with the goals of determining the scope of the security breach and identifying measures necessary to restore the reasonable integrity, security, and confidentiality of the data. The statute also has an implicit requirement that steps be taken to prevent future breaches. Proper notification of the breach must also be given as expeditiously as possible and without unreasonable delay. There is also a duty to notify national consumer reporting agencies under certain circumstances. Finally, the statute provides for civil fines and damages of up to \$2,500 per day as well as equitable relief. The City is also subject to civil liabilities and monetary damages associated with this privacy breach.

Needless to say, we are extremely disturbed at the negligence demonstrated by the City in posting of the personal information. Even more troubling is the inaccurate assurances provided by the City regarding removal of the data as well as the City's failure to remove the information after becoming aware of the breach. Based on these circumstances, we submit that although the initial posting of the personally identifying information may arguably be deemed inadvertent, the City's conduct upon discovery of the breach render its action willful and intentional. Moreover, while the scope of damages/injury to the individuals and the Company as a result of the City's actions may not be entirely discernable at this point, it is reasonable to expect that disclosure of the personally identifying information has resulted in significant harm to the individuals and to the Company.

Based on the circumstances, we ask that the City:

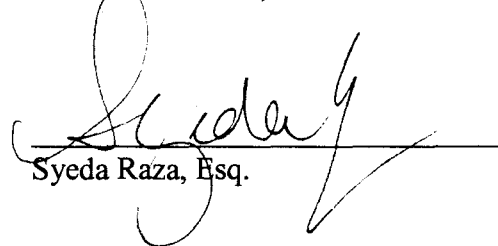
1. **Immediately** remove the information from all portals and confirm in writing that such actions have been taken and that the information is no longer posted on the internet; and
2. Take all other actions required under the law.

In the event such actions are not taken immediately, we will seek injunctive and other relief available under applicable laws including indemnification against any and all damages suffered by the individual officers and employees as a result of the City's actions and payment for monitoring of the individuals' credit.

We hope and trust that the City will take immediate steps to remedy the situation. I can be reached at the contact information provided on this correspondence.

Sincerely,

Host International, Inc.



Syeda Raza, Esq.

cc: Janet T. Mill, Attorney General, Maine
Joseph E. Gray, City Manager
Kevin J. Donoghue, Council Member
David A. Marshall, Council Member
Dan S. Skolnik, Council Member
Cheryl A. Leeman, Council Member
John R. Coyne, Council Member
John M. Anton, Council Member
Dory Richards Waxman, Council Member

Nicholas Mavodones, Jr., Council Member
Elie Wajih Maalouf, President & CEO HMSHost Corporation
Bernard Nathaniel Brown, Vice President & Chief Counsel
Charles Edward Powers, EVP & Chief Human Resources Officer
Mark Theodore Ratych, Chief Financial Officer
Laura Anna Babin, Corporate Secretary
Sadye Calvene Sanders, Legal Assistant II