



February 2, 2009

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

By UPS Express

Subject: Notification Related to Massachusetts General Laws Ch. 93H

Dear Attorney General Coakley:

Best Buy wishes to notify you of an incident involving the theft of credit card information that occurred at a Best Buy store during the months of November and December 2008. It does not appear that the computer system security of Best Buy was breached before, during or after the incident, and it may be that the provisions of your state's law do not apply under these circumstances. In keeping with the spirit of that law, however, and in the interest of serving and protecting our customers, we felt it appropriate to issue a notification concerning the incident to all of the persons potentially affected by it, including, to the best of our knowledge, 22 residents of Massachusetts.

A Best Buy store located in West Palm Beach, Florida, uncovered on January 5, 2009 an incident involving the theft of credit card information by a store employee. With the cooperation and assistance of Best Buy store management the employee was identified and taken into custody by the Secret Service on January 7, 2009. We are still investigating the details of the incident, but it appears that this employee was stealing credit card information during November and December 2008 using an unauthorized personal device. This device, commonly known as a "card skimmer", fits easily within the palm of the hand and permits its user to steal card information by swiping a payment card through the device. Since these devices do not connect to a merchant's computer systems, none of Best Buy's systems were breached or otherwise compromised by the employee in any way.

What this person did was unlawful and in violation of clearly established Best Buy policy and procedure, and this person is no longer employed by Best Buy.

Since the time the incident was discovered, Best Buy has taken the following actions:

- Informed federal law enforcement authorities, including the Secret Service, and cooperated fully with their investigations to minimize the impact to the victims of this crime and to help prevent future occurrences.
- Informed all relevant payment card brands of the incident, and cooperated fully with each of them to minimize the impact to the victims of this crime.
- Conducted an internal investigation of the incident.
- Although we have measures in place to help prevent this type of situation from happening, carefully reviewed our processes to reduce even further the chance that an incident such as this could happen again.
- Issued special advisories to store management concerning this type of threat.

- Sent by First Class US Mail, beginning on or about February 4, 2009, written notice of the incident to each of the affected customers for whom contact information could be obtained, providing each of them with one year of premium credit monitoring services at no charge. An example of the notice letter is enclosed.

If you have questions concerning this or any other matter, please consider me at your disposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Bolin', with a long horizontal flourish extending to the right.

Brad Bolin
Global Information Policy Counsel
Best Buy Legal

(612) 291-6577 desk
(952) 430-4916 fax

brad.bolin@bestbuy.com

BTB/no
Enclosure

Date

Consumer Name

Consumer Address

Consumer City, State, Zip Code

Promotion Code: #####-#####

Account number: ... xxxx

Dear Valued Customer:

The Best Buy store located at 1880 Palm Beach Lakes Blvd, West Palm Beach, Florida, recently uncovered an incident that may have resulted in the theft of your credit card information. We are still investigating the details of the incident, but it appears that a store employee was stealing credit card information during November and December 2008 using an unauthorized personal device. None of Best Buy's electronic systems were compromised by the employee, who used a device of her own to steal the card information. Best Buy learned of the theft on January 5, 2009. With the cooperation and assistance of store management the employee was identified and taken into custody by the Secret Service on January 7, 2009.

What this person did was unlawful and in violation of clearly established Best Buy policy and procedure, and this person is no longer employed by Best Buy.

Your security and privacy are very important to us. State and federal law enforcement authorities and all relevant payment card brands have been notified of the incident, and we are cooperating fully with all investigations. While we have measures in place to help prevent this type of situation from happening, we are carefully reviewing our processes to minimize the chance that it could happen again, including issuing special advisories to store management.

We encourage you to review your account statements and monitor your credit report to protect against card fraud. To make this easier **we have arranged with Equifax Personal Solutions to help you protect your credit information at no cost to you for one year.** Upon monitoring your accounts, if you identify any unauthorized charges you should contact your credit card company immediately. In addition, you may choose to adopt an increased level of protection by placing a fraud alert on your credit file at Equifax and the other two credit reporting agencies. **Information about enrollment in the Equifax Credit Watch™ Gold with 3-in-1 Monitoring product can be found on the following pages.**

Credit agencies can place a "fraud alert" on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. This service can make it more difficult for someone to get credit in your name. Note that because it requires creditors to follow certain procedures to protect you, it may delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert on your file, or should you have any questions regarding your credit report, please contact one of the agencies listed below.

- Experian: 888-397-3742; www.experian.com; P.O. Box 9532, Allen, TX 75013
- Equifax: 800-525-6285; www.equifax.com; P.O. Box 740241, Atlanta, GA 30374-0241

- TransUnion: 800-680-7289; www.transunion.com; Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92834-6790.

For additional information on protecting yourself against fraud and identity theft, you can visit the U.S. Federal Trade Commission's website of at www.consumer.gov/idtheft, or reach the FTC by phone at 877-382-4357. If you are a resident of California, Maryland, or Massachusetts, please see the enclosure entitled **Additional State Notices** for additional information that may be applicable to you. Rest assured that we are providing the same comprehensive services and assistance to all persons who may have been affected by this incident, regardless of where they reside.

We apologize for any inconvenience this situation may have caused you. Please do not hesitate to call Best Buy's Customer Care at 1-888 BEST BUY if you have questions or concerns.

Sincerely,

Todd Hartman, Chief Compliance Officer
Best Buy

Equifax Personal Solutions Enrollment Information

Equifax Credit Watch™ Gold with 3-in-1 Monitoring

Equifax Credit Watch will provide you with an “early warning system” to changes to your credit file and help you to understand the content of your credit file at the three major credit reporting agencies. This service is being provided to you at no cost for one year. The key features and benefits are listed below.

Equifax Credit Watch provides you with the following benefits:

- Comprehensive credit file monitoring of your Equifax, Experian, and TransUnion credit reports with daily notification of key changes to your credit files from any of the three agencies.
- Wireless alerts and customizable alerts available
- One 3-in-1 Credit Report and unlimited access to your Equifax Credit Report™
- \$20,000 in identity theft insurance with \$0 deductible, at no additional cost to you †
- 24 by 7 live agent Customer Service to assist you in understanding the content of your Equifax credit information, to provide personalized identity theft victim assistance and in initiating an investigation of inaccurate information.

How to Enroll

To sign up online for **online delivery** go to www.myservices.equifax.com/tri

1. **Consumer Information:** complete the form with your contact information (name, address and e-mail address) and click “Continue” button. The information is provided in a secured environment.
2. **Identity Verification:** complete the form with your Social Security Number, date of birth, telephone #s, create a User Name and Password, agree to the Terms of Use and click “Continue” button. The system will ask you up to two security questions to verify your identity.
3. **Payment Information:** During the “check out” process, enter the promotion code, provided at the top of your letter, in the “Enter Promotion Code” box (**no spaces**). After entering your code press the “Apply Code” button and then the “Submit Order” button at the bottom of the page. (This code eliminates the need to provide a credit card number for payment.)
4. **Order Confirmation:** – Click “View My Product” to access your 3-in-1 Credit Report and other product features.

To sign up for **US Mail delivery**, dial 1-866-937-8432 for access to the Equifax Credit Watch automated enrollment process. Note that all credit reports and alerts will be sent to you via US Mail only.

1. **Promotion Code:** You will be asked to enter your promotion code as provided at the top of your letter.
2. **Customer Information:** You will be asked to enter your home telephone number, home address, name, date of birth and Social Security Number.

3. **Permissible Purpose:** You will be asked to provide Equifax with your permission to access your credit file and to monitor your file. Without your agreement, Equifax can not process your enrollment.
4. **Order Confirmation:** Equifax will provide a confirmation number with an explanation that you will receive your Fulfillment Kit via the US Mail (when Equifax is able to verify your identity) or a Customer Care letter with further instructions (if your identity can not be verified using the information provided). Please allow up to 10 business days to receive this information.

Directions for placing a Fraud Alert

A fraud alert is a consumer statement added to your credit report. This statement alerts creditors of possible fraudulent activity within your report as well as requests that they contact you prior to establishing any accounts in your name. Once the fraud alert is added to your credit report, all creditors should contact you prior to establishing any account in your name. To place a fraud alert on your credit file, visit: www.fraudalerts.equifax.com or you may contact our auto fraud line at 1-877-478-7625, and follow the simple prompts. Once the fraud alert has been placed with Equifax, a notification will be sent to the other two credit reporting agencies, Experian and Trans Union, on your behalf.

† Identity Fraud Expense Reimbursement Master Policy underwritten by Travelers Casualty and Surety Company of America and its property casualty affiliates, Hartford, CT 06183. Coverage for all claims or losses depends on actual policy provisions. Availability of coverage can depend on our underwriting qualifications and state regulations.

This product is not intended for minors (under 18 years of age).

Additional State Notices

California

California residents can visit the website of the California Office of Privacy Protection at www.privacy.ca.gov.

Maryland

Maryland residents can visit the website of the Maryland Attorney General at <http://www.oag.state.md.us/> or reach the Maryland Attorney General at 888-743-0023 or Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. Finally, report any suspected incidents of identity theft to local law enforcement or your state Attorney General.

Massachusetts

Under Massachusetts law, you have the right to obtain any police report filed in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.

Massachusetts law also allows consumers to place a security freeze on their credit reports. A security freeze prohibits a credit reporting agency from releasing any information from a consumer's credit report without written authorization. However, please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

If you have been a victim of identity theft, and you provide the credit reporting agency with a valid police report, it cannot charge you to place, lift or remove a security freeze. In all other cases, a credit reporting agency may charge you up to \$5.00 each to place, temporarily lift, or permanently remove a security freeze.



BEST BUY™

Date

FirstName LastName
StreetAddress
Consumer City, State, ZipCode

Promotion Code: #####-#####
Account number: ... xxxx

Dear Valued Customer:

On February 2, 2009, we wrote to notify you of an incident at the Best Buy store located at 1880 Palm Beach Lakes Blvd, West Palm Beach, Florida, that may have resulted in the theft of your credit card information. As we indicated in that letter, it appears that a store employee was stealing credit card information during November and December 2008 using an unauthorized personal device. None of Best Buy's electronic systems were compromised by the employee, who used a device of her own to steal the card information. Best Buy learned of the theft on January 5, 2009. With the cooperation and assistance of store management the employee was identified and taken into custody by the Secret Service on January 7, 2009.

None of the information we communicated to you regarding this incident has changed, and you are still eligible for the credit monitoring services offered in that letter. *The sole purpose of this letter is to provide you with additional information that is relevant to Massachusetts residents, and that we believe you may find helpful.*

Massachusetts law gives Massachusetts residents the right to obtain any police report filed in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it. Massachusetts residents also have the right to place a security freeze on their credit reports. We thought that you would appreciate more detailed information on how to obtain a security freeze, including the information you will be required to provide to the credit reporting agencies.

A security freeze prohibits a credit reporting agency from releasing any information from a consumer's credit report without written authorization. However, please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

If you have been a victim of identity theft, and you provide the credit reporting agency with a valid police report, it cannot charge you to place, lift or remove a security freeze. In all other cases, a credit reporting agency may charge you up to \$5.00 each to place, temporarily lift, or permanently remove a security freeze.

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security Number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior five years;
5. Proof of current address such as a current utility bill or telephone bill;
6. A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)

7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft;
8. If you are not a victim of identity theft, include payment by check, money order, or credit card (Visa, MasterCard, American Express or Discover only). Do not send cash through the mail.

The credit reporting agencies have three (3) business days after receiving your request to place a security freeze on your credit report. The credit reporting agencies must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze.

To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to lift the security freeze for those identified entities or for the specified period of time.

To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze. The credit reporting agencies have three (3) business days after receiving your request to remove the security freeze.

For your convenience, here again are the contact details for each of the three credit reporting agencies:

- Experian: 888-397-3742; www.experian.com; P.O. Box 9532, Allen, TX 75013
- Equifax: 800-525-6285; www.equifax.com; P.O. Box 740241, Atlanta, GA 30374-0241
- TransUnion: 800-680-7289; www.transunion.com; Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92834-6790.

Once again we apologize for any inconvenience this situation may have caused you. Please do not hesitate to call Best Buy's Customer Care at 1-888 BEST BUY if you have questions or concerns.

Sincerely,



Todd Hartman, Chief Compliance Officer
Best Buy

Choy-Seymour, Shannon

From: prvs=2878943f5=brad.bolin@bestbuy.com on behalf of Bolin, Brad [Brad.Bolin@bestbuy.com]
Sent: Thursday, February 12, 2009 4:47 PM
To: Choy-Seymour, Shannon
Subject: RE: Proposed Supplemental Notice Text
Importance: High
Attachments: Best Buy - Security Incident Notification Letter - MA Supplement - FINAL DRAFT.pdf

Dear Shannon:

Attached please find the supplemental notice that was sent out to the 22 potentially affected Massachusetts residents today, February 12, 2009.

You know, I think that in the course of responding to and following up on this incident, I have had occasion to type the word "Massachusetts" probably 50 times. Each time my attempt has been flagged as a misspelling by Microsoft Word. Makes you feel like a moron. I could have sworn I was taught how to spell the word correctly in grade school—evidently not.

But I digress. Thanks once again for bringing the defect in the initial letter to my attention.

Best,

Brad Bolin
Global Information Policy Counsel
Best Buy | Legal
7601 Penn Avenue South
Richfield, MN 55423

(612) 291-6577 desk
(952) 430-4916 fax

From: prvs=285b293a2=brad.bolin@bestbuy.com [mailto:prvs=285b293a2=brad.bolin@bestbuy.com] **On Behalf Of** Bolin, Brad
Sent: Tuesday, February 10, 2009 3:55 PM
To: Choy-Seymour, Shannon (AGO)
Subject: Proposed Supplemental Notice Text
Importance: High

Dear Shannon:

Here is the text we propose to use in our supplementary letter to advise residents of Massachusetts of the steps they should follow to obtain a credit freeze:

"In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security Number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior five years;
5. Proof of current address such as a current utility bill or telephone bill;
6. A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)
7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft;
8. If you are not a victim of identity theft, include payment by check, money order, or credit card (Visa, MasterCard, American Express or Discover only). Do not send cash through the mail.

"The credit reporting agencies have three (3) business days after receiving your request to place a security freeze on your credit report. The credit reporting agencies must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze.

"To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to lift the security freeze for those identified entities or for the specified period of time.

"To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze. The credit reporting agencies have three (3) business days after receiving your request to remove the security freeze.

"For your convenience, here again are the contact details for each of the three credit reporting agencies:

- Experian: 888-397-3742; www.experian.com; P.O. Box 9532, Allen, TX 75013
- Equifax: 800-525-6285; www.equifax.com; P.O. Box 740241, Atlanta, GA 30374-0241
- TransUnion: 800-680-7289; www.transunion.com; Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92834-6790."

There will of course be some lead-in material, but this is the portion that relates to credit freeze mechanics. My presumption is that since it was taken from the example notice letter on Attorney General Coakley's site it will meet Massachusetts requirements, but I welcome your feedback.

2/17/2009

Thanks for bringing this oversight to my attention, I sincerely appreciate it.

Best,

Brad Bolin

Global Information Policy Counsel

Best Buy | Legal

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2/17/2009