



P.O. Box 30285
Salt Lake City, UT 84130-0285

February 16, 2009

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

Dear Attorney General Coakley:

Pursuant to M.G.L. ch. 93H, § 3, we are writing to notify you of an unauthorized access to or use of personal information involving Massachusetts residents.

An employee working in our installment loans area inadvertently used an incorrect address table when preparing customer letters and subsequently sent installment loan account numbers with corresponding customer names to the incorrect parties, impacting 96 Massachusetts residents. This issue was attributed to the employee not following proper procedures prior to creating the mailing, and also not following the proper dual-review quality assurance process after the mailing was created.

Capital One will provide notice to each Massachusetts customer by mail pursuant to M.G.L. ch. 93H, § 3(b). We have attached a sample of the customer notification letter. In response to this incident, the responsible employee was counseled to follow the required steps for this type of activity and to ensure the correct data tables are used. The entire data analyst team was counseled that the defined process must be followed, including the aforementioned dual process quality assurance reviews. While we have no evidence that the event gave rise to any fraudulent transactions, in order to mitigate the risk of identity theft associated with this incident, we are offering 12 months of Credit Watch Gold credit protection product by Equifax to impacted State residents.

We are providing concurrent notification to the Director of Consumer Affairs and Business Regulation.

We remain committed to maintaining high standards for customer service and customer data security and want to assure you that we are taking appropriate steps to protect our customers' personal information.

If you have any questions, comments or concerns, please do not hesitate to contact me at (804) 284-4976 or james.mcfadden@capitalone.com.

Regards,

James McFadden
Vice President, Chief Privacy Officer



P.O. Box 30285
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Customer Name
Address Line 1
Address Line 2
Address Line 3

Case No. 2640120/16051

Dear Customer Name,

We are writing in regard to an incident that may have affected the privacy of your personal information at Capital One Bank (USA), National Association ("Capital One").

Capital One places a high value on maintaining the confidentiality of personal and financial information about our customers. We go to great lengths to protect our paper and electronic data files. Recently, an incident occurred which may have inadvertently exposed your name and installment loan account number to a third party. Please note that we have taken aggressive action to prevent a recurrence of this event in the future.

While we have seen no indication of misuse of your information as a result of this incident, we want to share certain precautionary measures that we recommend you take in light of this event in order to help you safeguard your personal information or alert you to attempts by third parties to assume your identity. Please note that some of these measures are simply precautions that we believe anyone should consider under all circumstances, and do not relate to this event.

We recommend that you remain vigilant over the next twelve to twenty-four months by reading your financial account statements thoroughly and promptly. You should report any incidents of suspected identity theft to the relevant financial institution and/or to local law enforcement.

In addition, you should periodically obtain credit reports from each nationwide credit bureau noted below. Once you receive your reports, review them for suspicious activity, such as inquiries from companies you did not contact, accounts you did not open, and debts on your accounts that you did not authorize. Verify the accuracy of your social security number, address(es), complete name and employer(s). Notify the credit bureaus if any information is incorrect in order to have it corrected or deleted.

To obtain free credit reports, simply visit www.annualcreditreport.com, call 1-877-322-8228, or complete the Annual Credit Report Request Form, which can be found at www.ftc.gov/bcp/online/include/requestformfinal.pdf, and mail it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. For more information on getting your credit reports free once a year or buying additional reports, read *Your Access to Free Credit Reports* at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre34.shtm>.

In addition to the Security Freeze information discussed below, you can call the toll-free fraud number of any one of the three nationwide credit bureaus and place an **initial fraud alert** on your credit report.

Equifax: 1-877-478-7625; <http://www.fraudalerts.equifax.com>; P.O. Box 105069, Atlanta, GA 30348-5069

Experian: 1-888-EXPERIAN (397-3742);
<https://www.experian.com/consumer/cac/InvalidateSession.do?code=SECURITYALERT>; P.O. Box 9532, Allen, TX 75013

TransUnion: 1-800-680-7289;
<http://www.transunion.com/corporate/personal/fraudIdentityTheft/preventing/fraudAlert.page>; Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92834-6790

An initial fraud alert stays on your credit report for 90 days and acts as an alert to potential granters of credit.

In light of this event, we have arranged with Equifax to provide you with their “Credit Watch™ Gold with 3-in-1 Monitoring” product.

The Equifax Credit Watch™ Gold with 3-in-1 Monitoring service includes:

- 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.¹
- 24 by 7 live agent Customer Service to assist you in understanding the content of your Equifax credit information, to provide personalize identity theft victim assistance, and in initiating an investigation of inaccurate information.

Refer to Equifax’s website for additional information about this service.

If you decide to enroll in this service, Capital One Bank, USA, N.A., will pay the cost of your initial one-year membership fee. This offer is valid through April 15, 2009. To enroll in this credit protection program, Equifax has a simple Internet-based verification and enrollment process at:

www.myservices.equifax.com/tri

During the “check out” process, provide the following promotional code in the “Enter Promotion Code” box: [Credit Watch Code]

(This code eliminates the need to provide a credit card number for payment. Please note it is cap sensitive.)

To sign up for US Mail delivery of the product, 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.

If you would like more information about precautions against identity theft or if you suspect that your information has been misused, visit the Federal Trade Commission’s web site at www.ftc.gov/bcp/edu/microsites/idtheft/, call their hot line at 1-877-ID-THEFT (438-4338) or write to the

¹ The insurance described is subject any terms and conditions established by Equifax and the applicable insurance policy, as well as applicable state or federal law.

Federal Trade Commission at Federal Trade Commission
Consumer Response Center, 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

Under Massachusetts law, you have the right to obtain a police report, if any, that was 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.

To place a security freeze on your credit report, send a written request to each of the three major consumer reporting agencies: Equifax (www.equifax.com); Experian (www.experian.com); and TransUnion (www.transunion.com) by regular, certified or overnight mail at the addresses below:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013

Trans Union Security Freeze
Fraud Victim Assistance Department
P.O. Box 6790
Fullerton, CA 92834

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 bureaus 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.

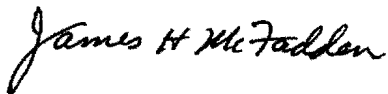
To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) and the PIN number or password provided 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 bureaus have three (3) business days after receiving your request to remove the security freeze.

Capital One deeply regrets this incident and any inconvenience to you that it may cause. We remain committed to maintaining high standards for customer service and customer data security and want to assure you that we are taking appropriate steps to protect the personal information of our customers.

If you have any questions or concerns, please contact our office at the address listed above. Capital One representatives will be available to assist you.

Sincerely,

A handwritten signature in cursive script that reads "James H. McFadden".

James McFadden
Vice President, Chief Privacy Officer