

From: Demetrios A Eleftheriou [mailto:demetrios.a.eleftheriou@aexp.com]
Sent: Sunday, August 23, 2009 10:18 AM
To: Schafer, Scott (AGO); Consumer, (SCA)
Subject: Security Breach Notification (Mass)

CONFIDENTIAL

Dear Mr. Schafer,

Pursuant to M.G.L. Chapter 93 H, Section 3(b), please find attached written notice of 3 merchant breaches.

La Luna Mexican Cafe:

(See attached file: MA AG Letter - La Luna.doc) (See attached file: Merchant Data Incident Active (AD01) CM Letter_FINAL.DOC)

Handlery Hotel:

(See attached file: Handlery.Hotel.Final.doc) (See attached file: Merchant Data Incident Active (AD01) CM Letter_FINAL.DOC)

Ramada Ft. Walton:

(See attached file: MA AG Letter - Ramada Inn Ft Walton.doc) (See attached file: Merchant Data Incident Active (AD01) CM Letter_FINAL.DOC)

Thank you.

Sincerely,

Demetrios Eleftheriou
Senior Counsel
General Counsel's Office
American Express
3 World Financial Center
200 Vesey Street
New York, NY 10285-4903
(212) 640-8687 / (212) 640-0358 (fax)
demetrios.a.eleftheriou@aexp.com
Executive Associate: Rahshida Briggs (212) 640-3359

(See attached file: Bank Leon Incident Active (AD01) CM Letter_6.18.09
FINAL.DOC)

Thank you.

Sincerely,

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Executive Associate: Rahshida Briggs (212) 640-3359
American Express made the following annotations on Fri Aug 14 2009 16:19:58

"This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you."

American Express a ajouté le commentaire suivant le Fri Aug 14 2009 16:19:58

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MASSACHUSETTES STATE SECURITY BREACH REPORTING FORM

08/14/2009

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

Submitted by: American Express

Dear Attorney General Coakley:

Pursuant to M.G.L. c. 93H, we are writing to notify you of a breach of security involving [901] Massachusetts residents.

Was this a breach at an American Express facility? No Yes

Was this a breach at an American Express vendor? No Yes

Was this a breach at a merchant? No Yes

- If yes, what is the name and address of the entity?

Name: AsSeenOnTV

Street Address: 80 O'Connor Rd

City: Fairport State: NY Zip Code: 14450

NATURE OF THE SECURITY BREACH OR UNAUTHORIZED USE OR ACCESS

Date of the incident: 03-30-2009

Nature of the incident: (please select all that apply):

Hacking incident; Inadvertent disclosure; Stolen computer, CD, tape, etc;

Lost computer, CD, tape, etc; Insider wrongdoing;

Other (specify): _____

[Attach additional description if necessary]

[Please provide 2 or 3 sentences explaining the nature of the breach:]

AsSeenOnTV, experienced an SQL injection into their corporate web server and database server. Analysis of the database server revealed the presence of malware. The data was exported to an FTP server.

Information Acquired (please select all that apply):

Name; SSN; Driver's license no.; Account number;

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Credit or Debit card number; Expiration Date; Track 1 magstripe data
 Track 2 magstripe data; Card identification number (CID);
 Other (specify): Address
The information was in electronic form and/or paper form.

NUMBER OF MASSACHUSETTS RESIDENTS AFFECTED

Number of MA residents affected: [901]

These MA residents have received written notice (copy included).

STEPS YOU HAVE TAKEN OR PLAN TO TAKE RELATING TO THE INCIDENT

After discovering the incident, we placed additional fraud monitoring on card numbers involved in the breach. As of the date of this letter, we have not seen any fraud on these card numbers. If we see there is unusual activity which may be fraud, our standard practice is to contact the affected cardmembers. Cardmembers are not responsible for fraudulent charges on their cards.

Was the incident reported to law enforcement? No Yes

- If Yes, which law enforcement entity? []
 - Contact address of law enforcement entity, if available:
[]
- If No, why not? [AsSeenOnTV decided not to contact law enforcement.]

OTHER NOTIFICATION AND CONTACT INFORMATION

We will provide similar notification to the Director of Consumer Affairs and Business Regulation. If you have any questions, please contact Demetrios Eleftheriou in our General Counsel's Office at 212-640-8687 or demetrios.a.elftheriou@aexp.com. Thank you.

American Express Company
200 Vesey Street
New York, NY 10285-0106

Date:

Name
Address
City, State, Zip Code

Dear [Name],

American Express Card® Account ending in: XXXXXX

I am writing to inform you of an incident involving a merchant where you have used your American Express Card.

A merchant accepting the American Express Card for payment detected unauthorized access to its data files. At this time, we believe the affected data included your American Express Card account information and personal contact information. Based on our commitment to the highest level of security, we wanted to make you aware of the situation. Importantly, the compromised data did not include your Social Security number and our systems do not show any indication of unauthorized activity on your Card account related to this incident.

We also want to reassure you that, beyond our standard fraud controls, American Express has placed additional fraud monitoring on your Card, and we will contact you if we detect any unusual activity. In addition, here are steps that American Express is taking, as well as some steps that you can take to get more information:

- We encourage you to remain vigilant over the next 12 to 24 months and regularly review your statements. If you notice any suspicious activity on your American Express Card account or suspect identity theft, notify us immediately by calling 1-800-545-5058.
- You can also sign up to receive free alerts of irregular account activity via cell phone, PDA, pager, or e-mail by visiting www.americanexpress.com/alerts. Following our long-standing practice, we will not hold our Cardmembers liable for fraudulent charges.
- We are enclosing a tip sheet that contains information about how to obtain copies of your credit reports and information about how to set-up fraud alerts.

Your privacy is a priority for American Express. To keep you better informed, you may receive multiple notification letters if more than one of your American Express card accounts was impacted.

Should you have questions, please call 1-800-545-5058 and an American Express customer care professional will be happy to assist you.

We are committed to protecting the security of your personal information and hope you find this notification beneficial.

Sincerely,

Alfred Silipigni
Vice President, Privacy Officer
Global Consumer and Small Business Services
American Express Company

AD01

HELPFUL CONTACT INFORMATION

REVIEW YOUR CREDIT REPORTS

To obtain an annual free copy of your credit reports, visit www.annualcreditreport.com.

You may also contact the major credit bureaus directly:

- Equifax: 1-800-685-1111, www.equifax.com
- Experian: 1-888-397-3742, www.experian.com
- TransUnion: 1-800-916-8800, www.transunion.com

Once you receive your reports, review them carefully for inquiries from companies you did not contact, accounts you did not open, or debts on your accounts that you cannot explain. Verify the accuracy of your Social Security number, address(es), complete name and employer(s). Notify the credit bureaus if any information is incorrect.

CONSIDER A FRAUD ALERT

Consider contacting the fraud department of the three major credit bureaus to request that a "fraud alert" be placed on your file, and include a statement that creditors must get your permission before any new accounts are opened in your name.

- Equifax: Report Fraud: 1-800-525-6285, www.equifax.com
- Experian: Report Fraud: 1-888-397-3742, www.experian.com
- TransUnion: Report Fraud: 1-800-680-7289, www.transunion.com

ADDITIONAL RESOURCES FROM AMERICAN EXPRESS

- Identity Theft Assistance is a free benefit available to all American Express Cardmembers and includes access to representatives who are on call 24 hours a day, seven days a week, to offer tips on how to be protected against identity theft. For more information about Identity Theft Assistance, call 1-800-297-7672 or visit: www.americanexpress.com/idtheftassistance.
- You can also sign up to receive free alerts of irregular account activity, via cell phone, PDA, pager, or e-mail. For more information, visit www.americanexpress.com/alerts.

HELPFUL SUGGESTIONS (IF YOU ARE A VICTIM OF IDENTITY THEFT)

- **File a U.S. police report.** Get a copy of the report to submit to your creditors and others that may require proof of a crime.
- **Contact the U.S. Federal Trade Commission (FTC).** The FTC provides useful information to identity theft victims and maintains a database of identity theft cases for use by law enforcement agencies. File a report with the FTC by calling the FTC's Identity Theft Hotline: 1-877-IDTHEFT (438-4338); by mail, Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington DC 20580; or online at www.consumer.gov/idtheft. Also request a copy of the publication, "Take Charge: Fighting Back Against Identity Theft."
- **Keep a record of your contacts.** Start a file with copies of your credit reports, the police report, any correspondence, and copies of disputed bills. It is also useful to keep a log of your conversations with creditors, law enforcement officials, and other relevant parties.

