

September 14, 2009

## **BY FEDERAL EXPRESS**

The Honorable Michael Delaney Office of the Attorney General State House Annex 33 Capitol Street Concord, NH 03301-6397

Dear Attorney General Delaney,

I am contacting you on behalf of Express Scripts, Inc., a pharmacy benefit management company headquartered in St. Louis, Missouri, to notify you of additional information we have learned about the threat that was made against the company in October 2008 involving unauthorized access to personal information. We notified your office about this threat in our letter of November 12, 2008.

As you know, we received a letter in October 2008 from an unknown person or persons trying to extort money from the company by threatening to expose millions of member records allegedly stolen from our system. We immediately notified the FBI, and the investigation is continuing. The October 2008 letter included personal information of certain members, including their names, dates of birth, Social Security numbers, and in some instances, historical pharmaceutical prescription information. We notified affected individuals by letter, sent by first class mail, on or about October 28, 2008. In addition, as we also informed your office on November 12, 2008, we learned that a small number of our company's clients had also received threatening letters from apparently the same person(s). Those letters contained personal information from some additional members who were notified in accordance with the relevant state breach notification laws.

The FBI recently received additional information and as a result, we learned of additional personal information which was accessed without authorization, including names, social security numbers, and dates of birth. Although details regarding the situation are limited and we remain unaware of any actual misuse of the information, we are sending all affected members approximately 1771 individuals located in New Hampshire, notification letters and are complying with any relevant state breach notification laws.

We are fully cooperating with law enforcement authorities and their ongoing criminal investigation. We also are continuing to conduct an investigation with the help of outside experts in data security and computer forensics.

As you know, we issued press releases dated November 6 and 11, 2008 and launched a website, www.esisupports.com, to notify our clients and members of the existence of the threat

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and to provide information to assist them in protecting against possible identity theft. In addition, we have made available to members the expert services of Kroll Inc., a leading risk consulting company, which will provide identity restoration services to members, if any, who become victims of identity theft caused by this incident. The website and services of Kroll Inc. will be made available to the additional members who request that assistance.

Please contact me at	if you have any quest	if you have any questions.		
	Sincerely, Jamice C. Forsyth	CY		

Vice President & Deputy General Counsel

/JCF

Enclosure: Sample of letter sent to affected individuals

#### -\*- Demonstration Powered by Exstream Dialogue 09/14/2009, Version 5.0.046 -\*-PO Box 66773 St. Louis, MO 63166-6773

September 8, 2009

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# Dear

As we publicly reported last fall, Express Scripts, the company that administers (or previously administered) your prescription-drug benefit, received a letter in October 2008 from an unknown person or persons trying to extort money by threatening to expose millions of our member records. We immediately notified the FBI, and an investigation is ongoing.

I am contacting you because the FBI recently received additional information and as a result we learned that the unauthorized access to information included your name, social security number and date of birth and may also include prescription information. Although details regarding the situation are limited and we are unaware at this time of any actual misuse of your information, we believe it is important to notify you. We conlinue to investigate this matter and will further advise you if we become aware that your information has been misused.

We have set up a website, <u>www.esisupports.com</u>, which contains helpful information and resources for our members. We have contracted with Kroll Inc., the world's leading risk-consulting company, to provide expert assistance to members who believe their data may have been misused because of this incident. We are unaware at this time of any actual misuse of any members' personal information. If a member does experience identity theft resulting from this incident, he or she will be assigned a licensed investigator who will work with them to validate and address their concerns. We will provide identity restoration services from Kroll for all legitimate and approved cases of identity theft caused by this incident.

If you have concerns about your personal information, you may contact Kroll, at no charge to you, at 866-795-9350, Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. (Central Time), to discuss your concerns with a U.S.-based customer care representative specially trained in handling privacy breach events, fraud, and identity theft issues. The <u>www.esisupports.com</u> website also provides helpful information about how to protect against misuse of personal information.

Please know that protecting the security and confidentiality of our members' personal information is our top priority. We are working hard to fully investigate this matter and to support federal law enforcement in their efforts.

We apologize for any inconvenience this incident may cause and will continue with our vigorous investigation.

Sincerely,

David E. Frimel, Senior Director Corporate Security and Safety Express Scripts, Inc.

## -\*- Demonstration Powered by Exstream Dialogue 09/14/2009, Version 5.0.046 -\*-

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## Actions you can take to safeguard your personal information

To protect against the unauthorized use of your personal information, you may want to consider placing a security/fraud alert or extended security/fraud alert on your credit bureau file. A security alert marker on your file would cause any issuer of credit to use additional scrutiny for any request for new or increased credit. This provides a significant level of protection; however, it may limit your ability to get "instant" credit such as the offers often made available at retail stores. You must contact one of the credit bureaus listed below, directly, to request this alert.

Equitax:	Experian:	TransUnion:
1-877-478-7625 <u>www.equifax.com</u> P.O. Box 740241 Atlanta, GA 30374-0241	1-888-EXPERIAN (397-3742) <u>www.experian.com</u> P.O. Box 9532 Allen, TX 75013	1-800-680-7289 <u>www.transunion.com</u> Fraud Victim Assistance Division P. O. Box 6790 Fullerton, CA 92834-6790

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Some additional precautions that you can take:

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- Periodically check your credit report to ensure that all your information is correct. You can obtain
  a free credit report once per year by visiting <u>www.annualcreditreport.com</u> or call (877) 322-8228.
  Checking your credit report periodically can help you spot problems and address them quickly.
- If you find suspicious activity on your credit reports or have reason to believe your information is being misused, contact your local law enforcement agency and file a police report. Get a copy of the report when it becomes available to you and retain it for further use as many creditors want the information it contains to absolve you of potential fraudulent debts.
- Close any compromised accounts.
- You can also contact the FTC at <u>www.consumer.qov/idtheft</u>, or at 1-877-ID Theft (438-4338 or at 1-877-IDTHEFT (438-4338), or at Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, D.C. 20580.