

Representing Management Exclusively in Workplace Law and Related Litigation

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DIRECT DIAL:
EMAIL ADDRESS:**FAX**

To: Hon. Kelly Ayotte
Company: Attorney General
Fax: 603-271-2110 **Tel #:**
From: Joseph J. Lazzarotti
Sender:
Subject: Data Breach Notification
Date: August 21, 2008
Client/Matter #:
Pages:
Original: X Will Follow Will Not Follow

MESSAGE:

 Please contact if there are any problems with this transmission.

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August 22, 2008

Via First Class Mail and Facsimile (603-271-2110)

Honorable Kelly Ayotte
 Attorney General of New Hampshire
 State House Annex
 33 Capitol Street
 Concord, NH 03301

RE: Data Breach Notification

Dear Attorney General Ayotte:

Please be advised that our client, Nye Lubricants, experienced an incident involving an employee who may have accessed electronic personal information stored in certain of the Company's databases without proper authority and/or for improper purposes. It appears that as many as 173 individuals could have been affected, including one individual who is a residents of your state. The Company plans to begin notifying the affected individuals in the next several days. A draft copy of the notification that will be sent is attached.

The databases at issue contained names and social security numbers, among other information. Unfortunately, the Company cannot determine for every individual whether his or her personal information was accessed or used improperly.

As set forth in the attached letter, the Company has taken numerous steps to protect the security of the personal information of the affected individuals, including providing a full package of credit protection services and insurance, as well as contacting the national credit agencies. Also, in addition to continuing to monitor this situation, the Company is reexamining its current data privacy and security policies and procedures to find ways of reducing the risk of future data breaches. Should the Company become aware of any significant developments concerning this situation, we will inform you.

If you require any additional information on this matter, please call me.

Sincerely,

JACKSON LEWIS LLP

Joseph J. Lazzarotti
 Joseph J. Lazzarotti

Encl.



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Fairhaven, MA 02719 USA

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Fx: 1.508.997.5285
www.nyelubricants.com

The SmartGrease Company

August 22, 2008

To all current/former Nye Lubricants employees:

The Company recently learned that on or about August 15, 2008, an employee without proper authority accessed the Company's computer network. Despite our efforts, we could not determine if any personal information contained in the databases on the Company's network was actually compromised – only that the opportunity for unauthorized access or use of personal information existed. Unfortunately, we cannot determine whether anyone's personal information was accessed or used improperly. The databases at issue contained names and social security numbers, among other information. We take the possibility of identity theft very seriously and, therefore, are sending a precautionary advisory to individuals who potentially could have been affected.

The purpose of this letter is to make you aware of this incident so that you can take steps to protect yourself, minimize the possibility of misuse of your information and mitigate any harm that could result. We apologize for this situation and any inconvenience it may cause you.

Shortly after discovering the irregular activities referenced above, Company officials commenced an investigation and examined its systems in order to determine the nature and scope of the unauthorized access and use of these systems. Please know that the Company also is taking immediate steps to enhance the security of its information systems going forward. The Company's actions in this regard are ongoing.

Based on our investigation to date, we are not aware of any specific cases of misuse of personal information that was maintained on the Company's information systems affected by this incident.

While we believe that there is little likelihood your information will be misused as a result of this incident, as a precaution we have arranged for Privacy Solutions, LLC to provide affected employees who enroll, with an Identification Theft Deterrent program. This program is described in the enclosed document from Privacy Solutions. For affected employees that timely enroll, Nye will pay for this program in full for one year beginning on August 25, 2008. Please let Human Resources know as soon as possible, and no later than September 12, 2008, if you wish to participate in this program. If Human Resources does not hear from you by September 12, 2008, you will no longer be eligible to enroll in the program. Also, we prepared the attached sheet to provide you with additional information concerning steps you could take to protect your identity, credit and personal information. The Company has notified Attorneys General and other state officials and agencies as required in states where affected individuals reside.

The Company takes data security very seriously and has taken steps to minimize the risks from this incident. We will notify you if there are any significant developments that occur in the future. Again, we apologize for any inconvenience this incident may cause you or your family and we encourage you to take advantage of the resources we have provided to you to protect your personal information. Please contact Anne MacLellan, at (508) 996-6721 if you have any questions.

Sincerely,

NYE LUBRICANTS, INC.

Frederic C. Mock
Executive Vice President
& General Counsel

PLEASE TURN PAGE FOR ADDITIONAL INFORMATION

What You Should Do to Protect Your Personal Information

We recommend you remain vigilant and consider taking one or more of the following steps to protect your personal information:

- I. We recommend contacting the nationwide credit-reporting agencies as soon as possible to:
 - Add a security alert statement to your credit file at all three national credit-reporting agencies: Equifax, Experian, and TransUnion. You only need to contact one of the three agencies listed below; your request will be shared with the other two agencies. This security alert will remain on your credit file for 90 days.
 - Remove your name from mailing lists of pre-approved offers of credit for approximately six months.
 - Receive a free copy of your credit report by going to www.annualcreditreport.com.

Equifax
P.O. Box 740256
Atlanta, GA
(800) 525-6285
www.equifax.com

Experian
P.O. Box 9554
Allen, TX 75013
(888) 397-3742
www.experian.com/consumer

TransUnion
P.O. Box 2000
Chester, PA 19022
(800) 888-4213
www.transunion.com

2. If you aren't already doing so, please pay close attention to all bills and credit-card charges you receive for items you did not contract for or purchase. Review all of your bank account statements frequently for checks, purchases or deductions not made by you. Note that even if you do not find suspicious activity initially, you should continue to check this information periodically since identity thieves sometimes hold on to stolen personal information before using it.
3. The Federal Trade Commission ("FTC") offers consumer assistance and educational materials relating to identity theft and privacy issues. The FTC can be contacted either by visiting www.consumer.gov/idtheft or by calling (877) 438-4338. If you suspect or know that you are the victim of identity theft, you can report this to the Fraud Department of the FTC, who will collect all information and make it available to law-enforcement agencies. Contact information for the FTC is:

Federal Trade Commission
Consumer Response Center
600 Pennsylvania Avenue
NW Washington, DC 20580

Website: www.ftc.gov

4. *For Massachusetts Residents:* If you would like to request a security freeze be placed on your account, send all of the following (documentation for both the spouse and the victim must be submitted when requesting the spouse's credit report) to one or more of the credit-reporting agencies listed in item 1 above: full name, with middle initial and generation, such as JR, SR, II, III, etc.; Social Security number; date of birth (month, day and year); current address and previous addresses for the past two years. In addition, enclose one copy of a government issued identification card, such as a driver's license, state or military ID card, etc., and one copy of a utility bill, bank or insurance statement, etc. Make sure that each copy is legible (enlarge if necessary), displays your name and current mailing address, and the date of issue (statement dates must be recent). The fee for placing a security freeze on a credit report generally is \$5. If you are a victim of identity theft or spouse of a victim of identity theft and submit a valid investigative or incident report or complaint with a law enforcement agency or the Department of Motor Vehicles (DMV), the fee will be waived.

The Identity Theft Package from



Worry-free identity protection 24/7 with our comprehensive menu of products.

Identity Theft Package

Our four-component Identity Theft Package utilizes proprietary technology and strategic partnerships to protect against and recover from identity fraud.

Early Alert — This innovative detection and warning system utilizes AlertNow™, Privacy Solutions' proprietary system, to scan hundreds of data sources at various daily, weekly, bi-weekly and monthly intervals for address changes—a common link in identity theft cases. Should any address changes be detected, which typically signifies that there is a theft in progress, AlertNow™ issues a warning by personal phone call. This unique early detection system will either prevent theft or at least substantially limit the amount of damage done and time necessary to recover. By issuing alerts to potentially bogus accounts or fraudulent activity, consumers can maintain complete control of their identities with minimal effort.

Identity Theft Insurance — Once victimized by identity theft, restoring one's name and good credit is a timeconsuming and costly process. For this reason, Privacy Solutions offers an AIG policy in the amount of \$25K with a \$0 deductible. This coverage protects against the financial hardships associated with identity theft such as falsely incurred debt, lost wages, legal fees, and correspondence with creditors. In addition to financial relief, policyholders have access 24/7 to trained identity theft specialists. These experts will aid victims in the recovery process until their crisis is completely resolved.

Identity Recovery — Privacy Solutions aids in the recovery process in two ways. We can either assist victims in the resolution process, or completely do it for them. If consumers simply want assistance, we provide a step-by-step instruction manual detailing the resolution process, including guidance for avoiding future complications, and a toll-free victim assistance number for access to specialists trained in identity theft recovery. This service allows consumers to correct identity theft problems themselves, without the assistance or expense of an attorney. Consumers may also choose to have Privacy Solutions assume and reorganize the recovery process on their behalf. In this case, we can further minimize the time and hassle involved.

SmartGuard Newsletter — Awareness is the first line of defense against identity theft. For that reason, Privacy Solutions provides a monthly e-publication designed to educate consumers and increase understanding of identity protection issues. This e-newsletter enables consumers to be proactive in protecting their personal information, while further extending the personal privacy and security options Privacy Solutions provides.

*Insurance underwritten by member companies of American International Group, Inc. The description herein is a summary only. It does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for complete details of coverage and exclusions. Coverage not available to residents of New York and may not be available in other jurisdictions.