

David R. Hale, CIPP
Chief Privacy Counsel
David.Hale@tdameritrade.com
443-766-7009

September 13, 2007

BY REGULAR MAIL

Office General
Department of Justice
33 Capitol Street
Concord, NH 03301

Re: Consumer Notice of Information Breach

TD AMERITRADE is notifying its customers on or about September 14, 2007 of an incident involving the unauthorized acquisition of certain information. After extensive forensic review, TD AMERITRADE has no evidence that the unauthorized acquisition included Social Security Numbers, driver's license or identification card numbers, account numbers or passwords. It did include e-mail addresses, physical addresses and limited account information such as account balance.

In New Hampshire, approximately 32,204 people will receive notice.

As we will set forth in our notice, there are several key facts about this situation:

- This situation was caused by unauthorized code that was able to bypass detection from our anti-virus software and other protective systems.
- Once we discovered the unauthorized code, we took immediate action to eliminate it. We are confident that we have identified the means by which the information was accessed and have taken appropriate steps to prevent this from reoccurring.
- Customers continue to be covered by our Asset Protection Guarantee, which protects them and their assets from any unauthorized activity that may occur in their accounts through no fault of their own. If they lose cash or securities as a result of such activity, we will reimburse them for the amount of cash or value of securities they lost.
- While Social Security Numbers are stored in this particular database, we and our third-party forensics experts have no evidence to establish that they were retrieved or used to commit identity theft.
- To further protect our customers, we have hired ID Analytics, which specializes in identity risk, to investigate and monitor potential identity theft. ID Analytics provides identity risk services to many of the country's largest banks and telecommunication companies, as well as government agencies. Following its initial evaluation, ID Analytics found no evidence of identity theft as a result of this data breach. We will retain its services on an ongoing basis to monitor for evidence of identity theft. We will alert and advise our customers, if any is found, that relates to this incident.

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- We have included in the notice letter links to our website providing information on online security issues and providing more information specifically about this incident.

Once again, we wish to emphasize that we have no evidence that Social Security Numbers or other personal information covered by the notice statute were acquired, but we are providing notice out of an abundance of caution. Attached please find a copy of the notices being sent to clients.

Please do not hesitate to contact me for more information.

Sincerely,



David R. Hale
Chief Privacy Counsel

1005 North Ameritrade Place, Bellevue, NE 68005 tdameritrade.com

September 2007

TDA 9623

John Q. Sample
123 Main Street
Anytown, US 12345-6789



You do not need to make any changes to your TD AMERITRADE accounts or to change the way you do business with us.

Dear John Sample,

Let me tell you why I am sending this letter. While investigating client reports about the industry-wide issue of investment-related SPAM, we recently discovered and eliminated unauthorized code from our systems. This code allowed certain client information stored in one of our databases, including email addresses, to be retrieved by an external source.

Please be assured that UserIDs and passwords are not included in this database, and we can confirm that your assets remain secure at TD AMERITRADE.

What we want you to know:

- This situation was caused by unauthorized code that was able to bypass detection from our anti-virus software and other protective systems.
- Once we discovered the unauthorized code, we took immediate action to eliminate it. We are confident that we have identified the means by which the information was accessed and have taken appropriate steps to prevent this from reoccurring.
- You continue to be covered by our **Asset Protection Guarantee**, which protects you and your assets from any unauthorized activity that may occur in your account through no fault of your own. If you lose cash or securities as a result of such activity, we will reimburse you for the cash or shares of securities you lost.

While Social Security Numbers are stored in this particular database, **we have no evidence to establish that they were retrieved or used to commit identity theft.** To further protect you, we have hired ID Analytics, which specializes in identity risk, to investigate and monitor potential identity theft. ID Analytics provides identity risk services to many of the country's largest banks and telecommunication companies, as well as government agencies. **Following its initial evaluation, ID Analytics found no evidence of identity theft as a result of this data breach.** We will retain its services on an ongoing basis to support your TD AMERITRADE accounts and to monitor for evidence of identity theft. We will alert and advise you if any is found. As always, we encourage you to remain alert in guarding your personal information, regularly review your account statements and monitor your credit activity from the major reporting agencies.

For more information on protecting yourself against the possibility of security threats, please visit our online Security Center at www.tdameritrade.com/security.

We sincerely apologize to you for this situation and want to assure you that protecting the security and privacy of your assets and information remains a top priority. We have made and will continue to make significant investments in security software, systems and procedures, and we will remain vigilant about protecting you.

We want to answer any questions and address any concerns that you may have about this matter. For more information, including a list of Frequently Asked Questions (FAQs) and an additional message from me, please go to www.amtd.com; or contact Client Services. Please note that we are anticipating increased call volume during this period, which may lead to long wait times. We encourage you to review the FAQs and, if you have a question, to log on to your account and send us a secure email. **Once again, please be assured that your assets are secure at TD AMERITRADE.**

Sincerely,



Joe Moglia, CEO
TD AMERITRADE

1005 North Ameritrade Place, Bellevue, NE 68005

September 2007

TDA 9630

John Q. Sample
123 Main Street
Anytown, US 12345-6789



You do not need to make any changes to your TD AMERITRADE accounts or to change the way you do business with us.

Dear John Sample,

Let me tell you why I am sending this letter. While investigating client reports about the industry-wide issue of investment-related SPAM, we recently discovered and eliminated unauthorized code from our systems. This code allowed certain client information stored in one of our databases, including email addresses, to be retrieved by an external source.

Please be assured that UserIDs and passwords are not included in this database, and we can confirm that your assets remain secure at TD AMERITRADE.

What we want you to know:

- **Because you are a former TD Waterhouse client, your information has only been stored in this database for a short time. We were able to conclude that while Social Security Numbers are stored in this particular database, your Social Security Number was not retrieved.**
- This situation was caused by unauthorized code that was able to bypass detection from our anti-virus software and other protective systems.
- Once we discovered the unauthorized code, we took immediate action to eliminate it. We are confident that we have identified the means by which the information was accessed and have taken appropriate steps to prevent this from reoccurring.
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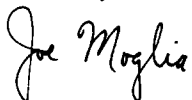
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Joe Moglia, CEO
TD AMERITRADE