

F A C S I M I L E T R A N S M I S S I O N



SEND FAX TO:	COMPANY:	FAX No:	PHONE No:
Consumer Protection	New Hampshire Department of Justice	603.223.6202	
<hr/>			
FROM:	EMAIL:	FAX No:	PHONE No:
David M. Bizar/03786	dbizar@mccarter.com	617.206.9393	860.275.6707

January 8, 2009

Total number of pages including cover: 7

Call, If Problems: Elizabeth 860.275.6753

Comments: Bill Dube Inc. and Dube Auto Group, Inc. d/b/a Bill Dube Hyundai

McCarter & English, LLP
 CityPlace I
 185 Asylum Street
 Hartford, CT 06103
 T. 860.275.6700
 F. 860.724.3397
 www.mccarter.com

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January 8, 2009

VIA FACSIMILE AND US MAIL

Consumer Protection Bureau
 New Hampshire Department of Justice
 33 Capitol Street
 Concord, NH 03301

Re: Follow up Regarding Notification to Attorney General's Office of Potential
 Security Breach Pursuant to N.H. Rev. Stat. § 359-C:19, *et seq.*

David M. Bizar
 Partner
 T. 860.275.6707
 F. 860.560.5936
 dbizar@mccarter.com

Dear Sir or Madam:

This follows my letters of August 25, 2008 and October 21, 2008, in which I wrote on behalf of my auto dealer clients, Bill Dube Inc. and Dube Auto Group Inc. dba Bill Dube Hyundai, regarding notice of a potential security breach. Copies of my prior correspondence are enclosed for your convenience. On December 5, 2008 the dealers provided written notice to the 7,375 New Hampshire residents whose personal information was on the back up tape. An example of the notice is attached. You will find that is same format that I provided to your office under cover of my letter of October 21, 2008.

To accomplish the mailings, the dealers retained a professional service to process the information on the back up tape, to ensure through the National Change of Address Service (NCOA) that the address information for the individuals on the tape was current, and to conduct the mailings. As described in the written notice, the dealers also opened a dedicated telephone line to answer questions. Of the 7,375 New Hampshire residents notified, 7,052 were customers of Bill Dube, Inc. and 323 were customers of Bill Dube Hyundai.

Please let me know if you have any questions or concerns, or if there is any other information I can provide.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Bizar". The signature is stylized with a long horizontal stroke extending to the right.

David M. Bizar

Enclosures

McCarter & English, LLP
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BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA

STAMFORD

WILMINGTON



October 21, 2008

VIA FACSIMILE AND US MAIL

Consumer Protection Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Re: Follow up Regarding Notification to Attorney General's Office of Potential Security Breach Pursuant to N.H. Rev. Stat. § 359-C:19, *et seq.*

David M. Bizar

Partner
T. 860.275.6707
F. 860.560.5936
dbizar@mccarter.com

Dear Sir or Madam:

This follows my letter of August 25, 2008, in which I wrote on behalf of my auto dealer clients, Bill Dube Inc. and Dube Auto Group Inc. dba Bill Dube Hyundai, to provide notice of a potential security breach. A copy is enclosed for your convenience. On October 1, 2008, we agreed in consultation with the Office of the Massachusetts Attorney General to provide notice to the potentially affected Massachusetts residents. Since a number of New Hampshire residents are also potentially affected, we have decided to provide notice to them, as well.

Accordingly, please find the enclosed copy of the notice we propose to send to New Hampshire residents, and let me know if you would like us to make any changes to it. Thank you for your time and assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "David M. Bizar", written over a horizontal line.

David M. Bizar

Enclosure

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October ____, 2008

VIA FIRST CLASS MAIL

Name
Street Address
City, State Zip

Re: Notice of Possible Security Breach

Dear Sir or Madam:

We would like to inform you of a situation involving a backup computer tape that was found to be missing from its secure storage area on August 5, 2008. The tape contained the names and address information, and in some instances, social security numbers, driver's license or other government identification numbers, of our customers. The tape did not contain any financial information such as credit card numbers, debit card numbers, account numbers, security codes, access codes or passwords.

We immediately reported the incident to law enforcement authorities. Notice to our customers was delayed until law enforcement told us that we could do so without harming their investigation. At this time, we have not been given any indication that the information on the tape has been misused. We utilized one of the best computer software products available and our vendor has assured us that it is very unlikely that the data could be accessed by an unauthorized person. We take data security very seriously and are reviewing our practices in this area.

You have the right, if you wish, to place a fraud alert on your credit file. A fraud alert tells creditors to contact you before they open any new accounts or change your existing accounts. To do so, call any one of the three major credit bureaus. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts. All three credit reports will be sent to you, free of charge, for your review.

Equifax
800-685-1111

Experian
888-397-3742

TransUnion
800-680-7289

If you should have any further questions, please contact _____.

Very truly yours,

XXXXXXXXXX



August 25, 2008

VIA FACSIMILE AND US MAIL

Consumer Protection Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Re: Notification to Attorney General's Office of Potential Security Breach Pursuant to N.H. Rev. Stat. § 359-C:19, et seq.

David M. Bizar

Partner
T 860.275.6707
F 860.560.5936
dbizar@mccarter.com

Dear Sir or Madam:

I write on behalf of my auto dealer clients, Bill Dube Inc. and Dube Auto Group Inc. dba Bill Dube Hyundai, New Hampshire corporations operating automobile dealerships at 40 Dover Point Road in Dover, New Hampshire and 220 Main Street in Wilmington, Massachusetts, respectively. On or about August 5, 2008, the August 4, 2008 backup tape containing information related to both dealers' customers and employees was found to be missing from its secure storage area. The dealers immediately reported the incident to the Dover police. The points of contact at the Dover police department are Det. Harrington and Lt. Terlemezian, (603) 742-4646, Dover Police Department, City of Dover, NH 03820.

The Dover police commenced an investigation. In conjunction with N.H. Rev. Stat. § 359-C:20.II, we asked the Dover police to make a determination whether notification under § 359-C:20.III "will impede [its] criminal investigation . . ." On August 19, 2008, the Dover police responded that although their investigation was ongoing and they preferred that notice be limited to investigative agencies, AG offices and credit reporting agencies, it could not state that notice to the public will impede its investigation. We also were able to speak with the dealer's computer systems' vendor, The Reynolds & Reynolds Company, on August 22 and August 25, 2008, to obtain its verbal preliminary assessment regarding the likelihood that the data could be accessed by an identity thief. Accordingly, we are transmitting this notification to your office now.

The dealers have been working diligently since the incident to determine what information was on the missing backup tape. Most of the data stored on the tape was also located on the dealers' computer servers, and the dealers have manually reconstructed the rest. Although they are still processing the individual data for each affected person, the dealers believe that they have been able to determine all of the types of data that were on the tape. The following kinds of "personal information" within the meaning of N.H. Rev. Stat. § 359:19.IV were present: (1) names; (2) social security numbers; (3) driver's license or other government identification numbers; and (4) employee account numbers. There are

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WILMINGTON

Consumer Protection Bureau
August 25, 2008
Page 2

no credit card numbers, debit card numbers, account numbers other than employee account numbers, security codes, access codes or passwords on the tape.

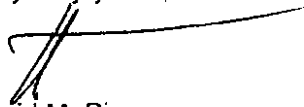
In conjunction with the Dover police and Reynolds & Reynolds, we have also been attempting to determine under N.H. Rev. Stat. § 359-C:20.I "the likelihood that the information has been or will be misused." At this juncture, we have been given no indication that the data has been misused, and based on what Reynolds & Reynolds has assured us, it appears very unlikely that the data on the tape could be misused. We have asked Reynolds & Reynolds to provide us with a detailed written assessment of the level of security of the data and whether an unauthorized person in possession of the tape could discern its meaning. We plan to share the assessment with you as part of an anticipated dialogue moving forward.

The dealers are good corporate citizens who are acting responsibly to protect their customers and employees. They have nearly completed compiling lists of the persons whose non-public personal information was on the backup tape and their contact information. At this time, it estimates that there are approximately ten to twenty thousand residents of New Hampshire whose information was on the tape, and approximately thirty to thirty five thousand persons overall. Most of the persons on the tape who are not New Hampshire residents are residents of Massachusetts. We are also providing a similar notice to the Massachusetts Attorney General and Director of Office of Consumer Affairs and Business Regulation.

We would like to work with you and your counterpart at the Massachusetts Attorney General's Office to make the determination regarding whether notification should be given under N.H. Rev. Stat. § 359-C:20.III and M.G.L. c. 93H, once we receive and share the written data security assessment we have requested from Reynolds & Reynolds. If there are any changes, we will update you.

We are pleased to work with your office, and if you have any questions or concerns, please let me know.

Very truly yours,



David M. Bizar

cc: Scott Dube
Debbie Reed
Scott Silverman, Esq.