

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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May 16, 2011

Attorney General Michael A. Delaney
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Dear Attorney General Delaney,

We represent Delta Dental of Minnesota (“Delta Dental”) with respect to an incident involving the exposure of certain personal information described in detail below.

1. Nature of the security breach or unauthorized use or access

On February 24, 2011, Delta Dental first learned that a laptop computer and a computer disc were stolen from an unrelated third party¹. The disc contained the names, dates of births, Social Security numbers and limited dental claims data (dental codes, amounts paid, dentist ID numbers) of certain individuals covered by Delta Dental who were patients of one of The Smile Center dental clinics between January 1, 2003 and June 30, 2010.

As part of a lawsuit between Delta Dental and The Smile Center dental clinics, Delta Dental was required to provide the disc containing the data to The Smile Center dental clinics, their law firm, and their expert witness. Delta Dental turned over the disc under the terms of a protective order entered by the court in the lawsuit. The Smile Center dental clinics, their law firm, and their expert witness were required by the court order to protect the disc and the data. At the time of the theft, the disc was in the custody and control of the expert witness for The Smile Center dental clinics at his University of Minnesota office.

We have requested that The Smile Center dental clinics, their law firm, and their expert witness comply with all notification requirements, including notifying the affected individuals of the theft. However, they have refused to do so.

¹ The theft occurred on February 22, 2011.

2. Number of New Hampshire residents affected.


Only two (2) New Hampshire residents were affected by the breach. Pursuant to applicable New Hampshire law, notification letters have been sent to the two individuals affected via regular mail. A copy of the notification is included with this letter.

3. Steps you have taken or plan to take relating to the incident.

Because Social Security numbers were included on the disc, we have contracted with Kroll, Inc., to provide individuals whose information was exposed with enhanced identity theft consultation and restoration services, and continuous credit monitoring for interested individuals. We have been informed that law enforcement is working to recover the data. We currently have no indication that the information has been inappropriately accessed, misused or further disclosed.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Melissa K. Ventrone



URGENT — Please Open Immediately.

Family Member of or Executor for
<<FirstName>> <<MiddleName>> <<LastName>>
<<Address1>>
<<Address2>>
<<City>>, <<StateProvince>> <<PostalCode>>
<INTELLIGENT MAIL BARCODE>

<<FirstName>> <<MiddleName>> <<LastName>>
Membership Number: <<MembershipNumber>>

Member Services: 1-855-XXX-DDCu
8:00 a.m. to 5:00 p.m. (Central Time), Monday through Friday
If you have questions or feel there may be an identity theft issue,
please call ID TheftSmart member services.

Dear Family Member of or Executor for <<FirstName>> <<MiddleName>> <<LastName>>,

Delta Dental has been advised that on February 22, 2011, a laptop computer containing a computer disc was stolen from an unrelated third party. The disc contained the names, dates of birth, Social Security numbers and limited dental claims data (dental codes, amounts paid, dentist ID numbers) of certain individuals covered by Delta Dental who were patients of one of The Smile Center dental clinics between January 1, 2003 and June 30, 2010.

Our records indicate that the individual named above or one of the individual's family members was a patient at The Smile Center dental clinics during this time frame and that the individual's Social Security number (but not that of any family member) was on the stolen disc.

As part of a lawsuit between Delta Dental and The Smile Center dental clinics, Delta was required to provide the disc containing the data to The Smile Center dental clinics, their law firm, and their expert witness. Delta Dental turned over the disc under the terms of a protective order entered by the court in the lawsuit. The Smile Center dental clinics, their law firm, and their expert witness were required by the court order to protect the disc and the data. At the time of the theft, the disc was in the custody and control of the expert witness for The Smile Center dental clinics at his University of Minnesota office.

We have requested that The Smile Center dental clinics, their law firm, and their expert witness notify you of this theft. Because they have declined to do so, and because we take the security of our member data seriously, we are providing this notification and the services described below.

We have been informed that law enforcement is working to recover the data. We currently have no indication that the information has been inappropriately accessed, misused or further disclosed.

Processing of claims and services provided by Delta Dental will not be disrupted in any way, but we wanted to make sure that you were informed of this situation.

Protective Action

Because the Social Security number was on the stolen disc, we have contracted with Kroll, Inc. to provide the following at no cost for one year:

Enhanced Identity Theft Consultation and Restoration. This service provides access to licensed investigators who understand the problems surrounding identity theft. They are available to listen, to answer your questions, and to offer their expertise regarding any concerns you may have.

Please call 1-855-XXX-DDCu between 8:00 am and 5:00 pm (Central time) Monday through Friday if you have any questions or if you feel that there may be an identity theft issue.

We sincerely regret that this situation occurred.

Very truly yours,

Delta Dental of Minnesota

U.S. State Notification Requirements

For residents of Hawaii, Michigan, Virginia, and Wyoming: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

For residents of Iowa, Maryland, Michigan, Missouri, North Carolina, Oregon, Vermont, and West Virginia:

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report by contacting any one or more of the following national consumer reporting agencies:

Equifax

P.O. Box 740241
Atlanta, Georgia 30374
1-800-685-1111
www.equifax.com

Experian

P.O. Box 2104
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion

P.O. Box 2000
Chester, PA 19022
1-800-888-4213
www.transunion.com

For residents of Iowa:

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon:

State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission.

For residents of Maryland and North Carolina:

You can obtain information from the Maryland and North Carolina Offices of the Attorneys General and the Federal Trade Commission about steps you can take toward preventing identity theft.

**Maryland Office of the
Attorney General**

Consumer Protection Division
200 St. Paul Place
Baltimore, MD 21202
1-888-743-0023
www.oag.state.md.us

**North Carolina Office of the
Attorney General**

Consumer Protection Division
9001 Mail Service Center
Raleigh, NC 27699-9001
1-877-566-7226
www.ncdoj.com

Federal Trade Commission

Consumer Response Center
600 Pennsylvania Avenue, NW
Washington, DC 20580
1-877-IDTHEFT (438-4338)
www.ftc.gov/bcp/edu/microsites/idtheft/

For residents of Massachusetts:

It is required by state law that you are informed of your right to obtain a police report if you are a victim of identity theft.

For residents of Massachusetts and West Virginia:

You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent.

To place a security freeze on your credit report, you need to send a request to a consumer reporting agency by certified mail, overnight mail, or regular stamped mail. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. The consumer reporting agency may charge a fee of up to \$5.00 to place a freeze or lift or remove a freeze and free if you are a victim of identity theft or the spouse of a victim of identity theft, and you have submitted a valid police report relating to the identity theft incident to the consumer reporting agency.

You may obtain a security freeze by contacting any one or more of the following national consumer reporting agencies:

Equifax Security Freeze

P.O. Box 105788
Atlanta, Georgia 30348
www.equifax.com

Experian Security Freeze

P.O. Box 9554
Allen, TX 75013
www.experian.com

TransUnion (FVAD)

P.O. Box 6790
Fullerton, CA 92834-6790
www.transunion.com