

# JONES DAY

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February 27, 2014

VIA UPS NEXT DAY & FACSIMILE

The Honorable Joseph Foster  
Attorney General  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, NH 03301

Re: Recent The J.M. Smucker Company Data Breach

Dear General Foster:

I am writing to give you advance notice of a data privacy breach affecting customers of our client, The J.M. Smucker Company (“Smucker”). This breach involves an estimated 96 customers residing in your State.

On February 12, 2014, the Federal Bureau of Investigation notified Smucker that someone illegally accessed data files within the Smucker Online Store. While the investigation continues, initial findings indicate that the attacker installed malware in the Online Store environment in December 2012. The malware was active from approximately December 23, 2012 through January 28, 2014. Unfortunately, Smucker believes the malware allowed the unauthorized user access to certain customer personal information, including names, addresses, email addresses, phone, credit or debit card numbers, expiration dates, and verification codes.

The total number of affected individuals in your State is still an estimate as the investigation continues. Smucker will notify identified affected individuals of this incident on Friday, February 28<sup>th</sup>. An exemplar copy of the notice letter is enclosed for your information.

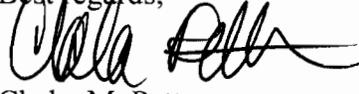
As the enclosed letter explains, Smucker continues to thoroughly investigate this matter with federal authorities. Smucker has taken numerous steps to protect the security of the affected individuals, including retiring the compromised system, conducting a vulnerability detection audit of the new Online Store environment, working with law enforcement, and providing affected customers a full package of credit protection services and credit insurance for two years, free of charge.

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Should any significant new information arise, we will promptly inform you. In the meantime, please do not hesitate to contact me if I can provide you with any additional information.

Best regards,



Chaka M. Patterson  
(312) 269-4227  
cpatterson@jonesday.com

Enclosure

cc: Mauricio Paez  
Jeannette Knudsen

CHI-1922046v1



*Since 1897*

February 28, 2014



##98631-L12-0123456  
SAMPLE A SAMPLE  
APT ABC  
123 ANY ST  
ANYTOWN, US 12345-6789

Dear Sample A Sample,

On behalf of The J. M. Smucker Company, we express our appreciation for the prior purchase you made at our *Smucker's*<sup>®</sup> Online Store ([www.onlinestore.smucker.com](http://www.onlinestore.smucker.com)). We greatly value the trust you have placed in our Company and take very seriously our responsibility to protect all sensitive and confidential information that you have shared with us.

We deeply regret that we are contacting you today to inform you of an incident that resulted in the illegal and unauthorized access to data files within our Online Store. Unfortunately, we believe the unauthorized user may have obtained access to certain personal information, including your name, address, email address, phone, credit or debit card number, expiration date, and verification code. We were made aware of this incident on February 12, 2014. Based on our investigation, we believe your personal information was compromised during your online purchases between December 2012 and January 2014.

We are extremely disappointed this incident occurred and sincerely apologize for any inconvenience this may cause. Please be assured, we continue to thoroughly investigate this matter with federal authorities. We have taken numerous steps to protect the security of the affected individuals, including retiring the compromised system, working with law enforcement and providing a full package of credit protection services for two years, free of charge.

We encourage you to take certain measures to help you protect your privacy and have enclosed information on the steps you will need to take to enroll in the services we are making available to you to protect your privacy and security. We hope you will take full advantage of the resources we have provided at no cost to you.

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Should you have questions, please contact the following:

<b>Questions About This Notification</b>	<b>Enrollment or Questions About the Protection Services</b>
<ul style="list-style-type: none"><li>• Please call 1-855-770-0005</li><li>• Monday through Friday 9:00 AM – 7:00 PM Eastern Standard Time</li><li>• Please be prepared to reference this number when calling: 6136022314</li></ul>	<ul style="list-style-type: none"><li>• Visit <a href="http://www.protectmyid.com/redeem">www.protectmyid.com/redeem</a> or call 1-877-371-7902</li><li>• Please enroll by June 30, 2014</li></ul>

Furthermore, should you wish to contact our Company directly, please call 1-888-815-6842. Again, we sincerely regret any concern this may cause you and assure you that we will diligently work to maintain the trust you have placed in our Company.

Sincerely,  
The J. M. Smucker Company



Richard Smucker  
Chief Executive Officer

## Provided Assistance to Protect Your Privacy and Security

### What we are doing to protect your information:

We advise that you remain vigilant against the possibility of fraud and/or identity theft by monitoring your account statements and credit reports for unusual activity. To help you to protect yourself, The J. M. Smucker Company is providing you a **complimentary** two-year membership of *Experian's*® *ProtectMyID*® Alert. This product helps detect possible misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

### Activate ProtectMyID Now in Three Easy Steps

1. **ENSURE That You Enroll By: June 30, 2014** (Your code will not work after this date.)
2. **VISIT the ProtectMyID Web Site to enroll: [www.protectmyid.com/redeem](http://www.protectmyid.com/redeem)**
3. **PROVIDE Your Activation Code: ABCDEFGHIJKL**

If you have questions or need an alternative to enrolling online, please call 877-371-7902.

### Additional details regarding your two-year ProtectMyID Membership:

A credit card is not required for enrollment.

Once your ProtectMyID membership is activated, you will receive the following features:

- **Free copy of your Experian credit report**
- **Surveillance Alerts:**
  - **Daily Bureau Credit Monitoring:** Alerts of key changes & suspicious activity found on your Experian, Equifax® and TransUnion® credit reports.
- **Identity Theft Resolution & ProtectMyID ExtendCARE:** Toll-free access to US-based customer care and a dedicated Identify Theft Resolution agent who will walk you through the process of fraud resolution from start to finish for seamless service. They will investigate each incident; help with contacting credit grantors to dispute charges and close accounts including credit, debit and medical insurance cards; assist with freezing credit files; contact government agencies.
  - It is recognized that identity theft can happen months and even years after a data breach. To offer added protection, you will receive ExtendCARE™, which provides you with the same high-level of Fraud Resolution support even after your ProtectMyID membership has expired.
- **\$1 Million Identity Theft Insurance\*:** Immediately covers certain costs including, lost wages, private investigator fees, and unauthorized electronic fund transfers.

Once your enrollment in ProtectMyID is complete, you should carefully review your credit report for inaccurate or suspicious items. If you have any questions about ProtectMyID, need help understanding something on your credit report or suspect that an item on your credit report may be fraudulent, please contact Experian's customer care team at 877-371-7902.

\* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of AIG. The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

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## **Additional Actions to Help Reduce Your Chances of Identity Theft**

- **Place a 90-Day Fraud Alert on Your Credit file**

An initial 90 day security alert indicates to anyone requesting your credit file that you suspect you are a victim of fraud. When you or someone else attempts to open a credit account in your name, increase the credit limit on an existing account, or obtain a new card on an existing account, the lender should take steps to verify that you have authorized the request. If the creditor cannot verify this, the request should not be satisfied. You may contact one of the credit reporting companies below for assistance.

**Equifax**  
1-800-525-6285  
[www.equifax.com](http://www.equifax.com)

**Experian**  
1-888-397-3742  
[www.experian.com](http://www.experian.com)

**TransUnion**  
1-800-680-7289  
[www.transunion.com](http://www.transunion.com)

- **Place A Security Freeze on Your Credit File**

If you are very concerned about becoming a victim of fraud or identity theft, a security freeze might be right for you. Placing a freeze on your credit report will prevent lenders and others from accessing your credit report entirely, which will prevent them from extending credit. With a Security Freeze in place, you will be required to take special steps when you wish to apply for any type of credit. This process is also completed through each of the credit reporting companies.

- **Order Your Free Annual Credit Reports**

Visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 877-322-8228. Once you receive your credit reports, review them for discrepancies. Identify any accounts you did not open or inquiries from creditors that you did not authorize. Verify all information is correct. If you have questions or notice incorrect information, contact the credit reporting company.

- **Manage Your Personal Information**

Take steps such as: carrying only essential documents with you; being aware of whom you are sharing your personal information with and shredding receipts, statements, and other sensitive information.

- **Use Tools From Credit Providers**

Carefully review your credit reports and bank, credit card and other account statements. Be proactive and create alerts on credit cards and bank accounts to notify you of activity. If you discover unauthorized or suspicious activity on your credit report or by any other means, file an identity theft report with your local police and contact a credit reporting company.

- **Obtain More Information About Identity Theft and Ways to Protect Yourself**

- Visit <http://www.experian.com/credit-advice/topic-fraud-and-identity-theft.html> for general information regarding protecting your identity.
- The Federal Trade Commission has an identity theft hotline: 877-438-4338; TTY: 1-866-653-4261. They also provide information on-line at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).