

# LATHAM & WATKINS<sup>LLP</sup>

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August 2, 2013

## BY CERTIFIED MAIL

Attorney General Joseph Foster  
Office of Attorney General  
33 Capitol Street  
Concord, NH 03301

Dear Attorney General Foster:

I am writing on behalf of our client, US Airways, to notify you that US Airways recently discovered that unauthorized intruders gained access to a small number of users' frequent flyer (Dividend Miles) accounts.

The breached accounts contained information including the user's name, address, email address, answers to security questions, and in some cases date of birth, Known Traveler number, and the last four digits of credit cards. The intruders obtained affected users' usernames and passwords which gave them access to the accounts. Dividend Miles account profiles do not contain Social Security numbers or Passport numbers, and, at this point, our client has no reason to believe that full credit card information was accessed.

US Airways was alerted to a potential issue in early July and commenced an investigation. They first confirmed evidence of the unauthorized access on or about July 12, 2013. The investigation is ongoing. US Airways is working with federal law enforcement officials to investigate this incident and has engaged an outside security firm who is also investigating the breach as well as reviewing the company's security. While US Airways is still investigating the incident, it is clear this was an unauthorized access.

In order to protect the security of the affected users' accounts going forward, US Airways has deactivated the affected users' current passwords and provided them with a new password which they will be required to enter when they next log in to their Dividend Miles account. US Airways is taking steps to ensure that users strengthen their account passwords and select new security questions, and has cautioned users to take additional steps to protect other accounts where they used the same credentials.

Our client is preparing to notify all residents of your state affected by the unauthorized access. In addition to information about the breach, the notice also provides contact information should users have questions about the incident as well as information about how to obtain a credit report and how to implement a credit hold together with general resources for dealing with

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identity theft. A copy of the planned notification is attached. Please contact me at (213) 891-8415 or david.schindler@lw.com in the event that you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Schindler', with a large, sweeping flourish extending to the right.

David J. Schindler  
of LATHAM & WATKINS LLP

**Enclosure**



U-S AIRWAYS

Dear [FIRST NAME],

We recently discovered that a small number of Dividend Miles accounts were accessed by unauthorized users who had obtained usernames and passwords for the compromised accounts through means as yet unknown to us. Based upon our review, it is possible that your account may have been affected. The information that the intruders potentially gained access to (to the extent you had provided it to US Airways) includes your: name, address, email address, answers to your security questions, and, in some cases, date of birth, Known Traveler number, and the last four digits of credit cards. In a very limited number of instances, mileage was improperly taken from the accessed accounts, and we are already working with those customers to restore any Dividend Miles improperly taken.

Dividend Miles account profiles do not contain Social Security numbers or Passport numbers, and, at this point, we have no reason to believe that full credit card information was accessed. We are working with U.S. federal law enforcement and continue to research the extent of the unauthorized access.

In order to ensure the security of your account, we have deactivated your current password and provided you with a new password, listed below, which you will be required to enter when you next log in to your Dividend Miles account. Once you have logged in, you can change your password to one of your choosing. We encourage you to use a strong password (e.g., containing 8 characters or more with at least one number, symbol, and/or one capital letter), and we recommend that you not select a password that you use elsewhere on the Internet. We have also disabled the security questions and answers that you previously completed. After logging in to your account, please select new security questions and answers from the drop down list. If you are unable to log in to your account or notice unauthorized changes to your Dividend Miles account please call the Dividend Miles service center number at 1-800-428-4322.

If you use the same username and password for other accounts, especially financial accounts or accounts with personal information, we suggest you change your passwords on those accounts as well. We recommend that you carefully review your statements, account activity, and credit reports to help protect the security of those accounts. The enclosed Attachment A provides additional information regarding protecting yourself against possible identity theft or other financial loss.

Additionally, we have contracted with LifeLock® to provide you a free one year membership in LifeLock's credit monitoring program. This product helps detect possible misuse of your personal information and provides you with identity protection services focused on identification and resolution of identity theft. You may sign up for this service by following the instructions attached to this letter at Attachment B. You will be able to access this offer at no cost to you up until August 31, 2014.

We apologize for any inconvenience this may have caused you. US Airways takes information protection very seriously and will continue to work to ensure that additional measures are taken to protect personally identifiable information. If you have further questions, please call us 1-800-428-4322.

Sincerely,

Fernand Fernandez  
Managing Director, Marketing and Customer Loyalty  
US Airways

PASSWORD goes here

## **Attachment A: ADDITIONAL INFORMATION**

To protect against possible identity theft or other financial loss, we encourage you to remain vigilant, to review your account statements and to monitor your credit reports. Provided below are the names and contact information for the three major U.S. credit bureaus and additional information about steps you may take to obtain a free credit report and/or place a security freeze on your credit report. Other credit check providers offer similar services outside the U.S. If you believe those accounts may have been breached or that your identity may have been stolen, you should contact law enforcement, including the Federal Trade Commission if you are resident in the U.S. If you believe you are the victim of identity theft, you also have right to file a police report and obtain a copy of it.

### **U.S. RESIDENTS - INFORMATION ON OBTAINING A FREE CREDIT REPORT**

U.S. residents are entitled under U.S. law to one free credit report annually from each of the three major credit bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll-free (877) 322-8228.

### **U.S. RESIDENTS - INFORMATION ON IMPLEMENTING A SECURITY FREEZE**

A security freeze prohibits a credit reporting agency from releasing any information from a consumer's credit report without written authorization. However, please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

If you have been a victim of identity theft, and you provide the credit reporting agency with a valid police report, it cannot charge you to place, lift or remove a security freeze. In all other cases, a credit reporting agency may charge you up to \$5.00 each to place, temporarily lift, or permanently remove a security freeze.

To place a security freeze on your credit report, you must send a written request to each of the three major consumer reporting agencies: Equifax (<https://www.freeze.equifax.com>); Experian (<https://www.experian.com/freeze>); and TransUnion (<https://freeze.transunion.com>) by regular, certified or overnight mail at the addresses below:

Equifax Security Freeze  
P.O. Box 105788  
Atlanta, GA 30348  
1-800-685-1111

Experian Security Freeze  
P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

Trans Union Security Freeze  
Fraud Victim Assistance Department  
P.O. Box 2000  
Chester, PA 19022  
1-888-909-8872

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security Number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior five years;
5. Proof of current address such as a current utility bill or telephone bill;
6. A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.);
7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft; and
8. If you are not a victim of identity theft, include payment by check, money order, or credit card (Visa, MasterCard, American Express or Discover only). Do not send cash through the mail.

### **U.S. RESIDENTS - ADDITIONAL RESOURCES**

You may wish to visit the web site of the U.S. Federal Trade Commission at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or reach the FTC at 1-877-382-4357 or 600 Pennsylvania Avenue, NW, Washington, DC 20580 for further information about how to protect yourself from identity theft. Your state Attorney General may also have advice on preventing identity theft, and you should report instances of known or suspected identity theft to law enforcement, your State Attorney General, and the FTC.

North Carolina Residents: The Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001; telephone (877) 566-7226; or [www.ncdoj.gov](http://www.ncdoj.gov).

Maryland Residents: The Attorney General can be contacted at Office of Attorney General, 200 St. Paul Place, Baltimore, MD 21202; telephone (888) 743-0023; or <http://www.oag.state.md.us>.

Massachusetts Residents: Under Massachusetts law, you have the right to obtain any police report filed in regard to the incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.



**U·S AIRWAYS**

**Attachment B: LIFELOCK INSTRUCTIONS**

US Airways has retained LifeLock to provide one (1) year of complimentary identity theft protection as more fully described below.

**To begin protecting yourself immediately at no cost to you:**

1. Call 1-800-899-0180 or visit [www.lifelock.com/enrollment](http://www.lifelock.com/enrollment) to enroll.
2. Choose the LifeLock® service plan.
3. Use the promotion code: \_\_\_\_\_ when prompted as well as your Member ID
4. Your Member ID is the same as your Dividend Miles account number.

LifeLock's specialized team of telephone representatives are available 24 hours a day, seven days a week to answer any questions you may have regarding the enrollment process or the service being provided.

**Members under the age of 18 must have LifeLock service administered by a parent or legal guardian by calling 1-800-899-0180.**

**You will have until August 31st, 2014 to enroll in this service.**

Once you have completed the LifeLock enrollment process, the services will be in effect immediately. Your LifeLock membership includes:

- Identity Threat Detection and Alerts – Alerts you whenever LifeLock detects your personal information in fraudulent applications – both credit and noncredit related.
- Advance Internet Threat Detection - Patrols black market Internet sites for the illegal selling or trading of your information.
- Address Change Verification – Warns you when a detected change of address is requested in your name, helping reduce your chances of mail theft.
- Lost Wallet Protection – LifeLock will help you quickly cancel and replace lost or stolen credit cards to help stop fraudulent charges.

LifeLock backs up its services with its \$1 Million Total Service Guarantee. (Guarantee applies only if you become a victim of identity theft because of a failure in LifeLock® service. Other restrictions apply. See [www.lifelock.com](http://www.lifelock.com) for details.)