

# Morgan Lewis

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CONSUMER PROTECTION

**Gregory T. Parks**

Partner  
215.963.5170  
gregory.parks@morganlewis.com

**VIA FIRST CLASS MAIL**

December 19, 2019

State of New Hampshire  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

*Re: Notice of Data Security Incident*

Dear Office of the Attorney General:

This Firm represents Wawa, Inc. ("Wawa") and we are writing to notify you regarding the nature and circumstances of a recent data security incident. Wawa is a chain of physical retail convenience stores operating **only** in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, Florida, and Washington, D.C. Wawa does not have stores or other locations in New Hampshire. Wawa's only ecommerce operation that would deliver to customers in New Hampshire is not affected by this incident. It is nonetheless possible that a resident of New Hampshire may have used a payment card at a physical Wawa retail store while traveling in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, Florida, or Washington, D.C. during the time period involved. We are providing this notice to your office because of that possibility.

On December 10, 2019, Wawa's information security team discovered malware running on payment processing systems at potentially all Wawa locations beginning at different points in time after March 4, 2019 and ending on December 12, 2019. Although the dates may vary and some Wawa locations may not have been affected at all, this malware was present on most store systems by approximately April 22, 2019. Wawa's information security team identified this malware on December 10, 2019, and contained it by December 12, 2019. Wawa also immediately initiated an investigation, notified law enforcement and payment card companies, and engaged a leading external forensics firm to support its response efforts. Because of the immediate steps Wawa took to contain this malware, Wawa believes that as of December 12, 2019, this malware no longer poses a risk to customers using payment cards at Wawa.

Based on Wawa's investigation to date, this malware only affected payment card data, including credit and debit card numbers, expiration dates, and cardholder names on payment cards used at potentially all Wawa in-store payment terminals and fuel dispensers beginning at different points in time after March 4, 2019 and ending on December 12, 2019. Most locations were affected as of April 22, 2019, and some locations may not have been affected at all. No other personal information was accessed by this malware. Debit card PIN numbers, credit card CVV2 numbers, other PIN numbers, and driver's license information captured to verify age-restricted purchases were not affected by this malware. The ATM

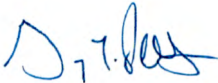
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cash machines in Wawa stores were not affected by this incident. At this time, Wawa is not aware of any unauthorized use of any payment card information as a result of this incident.

Wawa continues to take steps to enhance the security of its systems. Wawa has arranged for a dedicated call center to answer customer questions quickly and is offering credit monitoring and identity theft protection without charge through Experian to anyone whose information may have been involved. At this time, Wawa is not able to determine the number of New Hampshire residents who may be affected by this incident. Further information about what Wawa has done and what it is recommending to potentially impacted customers can be found in the enclosed notice materials that Wawa is posting on its website.

If you have any questions, please feel free to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "G. T. Parks".

Gregory T. Parks

Enclosure



## **An Open Letter from Wawa CEO Chris Gheysens to Our Customers**

**December 19, 2019**

### **NOTICE OF DATA BREACH**

Dear Wawa Customers,

At Wawa, the people who come through our doors every day are not just customers, you are our friends and neighbors, and nothing is more important than honoring and protecting your trust. Today, I am very sorry to share with you that Wawa has experienced a data security incident. Our information security team discovered malware on Wawa payment processing servers on December 10, 2019, and contained it by December 12, 2019. This malware affected customer payment card information used at potentially all Wawa locations beginning at different points in time after March 4, 2019 and until it was contained. At this time, we believe this malware no longer poses a risk to Wawa customers using payment cards at Wawa, and this malware never posed a risk to our ATM cash machines. I want to reassure you that you will not be responsible for any fraudulent charges on your payment cards related to this incident, as described in the detailed information below. Please review this entire letter carefully to learn about the resources Wawa is providing and the steps you should take now to protect your information.

I apologize deeply to all of you, our friends and neighbors, for this incident. You are my top priority and are critically important to all of the nearly 37,000 associates at Wawa. We take this special relationship with you and the protection of your information very seriously. I can assure you that throughout this process, everyone at Wawa has followed our longstanding values and has worked quickly and diligently to address this issue and inform our customers as quickly as possible.

#### **What Happened?**

Based on our investigation to date, we understand that at different points in time after March 4, 2019, malware began running on in-store payment processing systems at potentially all Wawa locations. Although the dates may vary and some Wawa locations may not have been affected at all, this malware was present on most store systems by approximately April 22, 2019. Our information security team identified this malware on December 10, 2019, and by December 12, 2019, they had blocked and contained this malware. We also immediately initiated an investigation, notified law enforcement and payment card companies, and engaged a leading external forensics firm to support our response efforts. Because of the immediate steps we took after discovering this malware, we believe that as of December 12, 2019, this malware no longer poses a risk to customers using payment cards at Wawa.

## **What Information Was Involved?**

Based on our investigation to date, this malware affected payment card information, including credit and debit card numbers, expiration dates, and cardholder names on payment cards used at potentially all Wawa in-store payment terminals and fuel dispensers beginning at different points in time after March 4, 2019 and ending on December 12, 2019. Most locations were affected as of April 22, 2019, however, some locations may not have been affected at all. No other personal information was accessed by this malware. Debit card PIN numbers, credit card CVV2 numbers (the three or four-digit security code printed on the card), other PIN numbers, and driver's license information used to verify age-restricted purchases were not affected by this malware. If you did not use a payment card at a Wawa in-store payment terminal or fuel dispenser during the relevant time frame, your information was not affected by this malware. At this time, we are not aware of any unauthorized use of any payment card information as a result of this incident. The ATM cash machines in our stores were not involved in this incident.

## **What We Are Doing**

As soon as we discovered this malware on December 10, 2019, we took immediate steps to contain it, and by December 12, 2019, we had blocked and contained it. We believe this malware no longer poses a risk to customers using payment cards at Wawa. As indicated above, we engaged a leading external forensics firm to conduct an investigation, which has allowed us to provide the information that we are now able to share in this letter. We are also working with law enforcement to support their ongoing criminal investigation. We continue to take steps to enhance the security of our systems. We have also arranged for a dedicated toll-free call center (1-844-386-9559) to answer customer questions and offer credit monitoring and identity theft protection without charge to anyone whose information may have been involved, which you can sign up for as described below.

## **What You Can Do**

Customers whose information may have been involved should consider the following recommendations, all of which are good data security precautions in general:

- **Review Your Payment Card Account Statements.** We encourage you to remain vigilant by reviewing your payment card account statements. If you believe there is an unauthorized charge on your payment card, please notify the relevant payment card company by calling the number on the back of the card. Under federal law and card company rules, customers who notify their payment card company in a timely manner upon discovering fraudulent charges will not be responsible for those charges.
- **Register for Identity Protection Services.** We have arranged with Experian to provide potentially impacted customers with one year of identity theft protection and credit monitoring at no charge to you. Information about these services is available at [www.wawa.com/alerts/data-security](http://www.wawa.com/alerts/data-security) or call toll-free to 1-844-386-9559.

- Order a Credit Report. If you enroll in the Experian service (at the phone number above) we are offering, you will have access to activity on your credit report. In addition, if you are a U.S. resident, you are entitled under U.S. law to one free credit report annually from each of the three nationwide consumer reporting agencies. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll-free at 1-877-322-8228.
- Review the Reference Guide. The Reference Guide below provides additional resources on the protection of personal information.

### **For More Information**

If you have any questions about this issue or enrolling in the credit monitoring services we are offering at no charge to you, please call our dedicated Experian response phone line at 1-844-386-9559. It is open Monday - Friday, between 9:00 am and 9:00 pm Eastern Time, or Saturday and Sunday, between 11:00 am and 8:00 pm Eastern Time, excluding holidays (which include December 24, December 25, December 31, January 1, and January 20).

Along with the nearly 37,000 Wawa associates in all of our communities, we remain dedicated to serving you every day and being worthy of your continued trust.

Sincerely,

Chris Gheysens  
CEO

**REFERENCE GUIDE**

In the event that you suspect that you are a victim of identity theft, we encourage you to remain vigilant and consider taking the following steps:

**Order Your Free Credit Report.** To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), call toll-free at 1-877-322-8228, or complete the Annual Credit Report Request Form on the U.S. Federal Trade Commission’s website at [www.ftc.gov](http://www.ftc.gov) and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. Do not contact the three credit bureaus individually; they provide your free report only through the website or toll-free number.

When you receive your credit report, review the entire report carefully. Look for any inaccuracies and/or accounts you don’t recognize, and notify the credit bureaus as soon as possible in the event there are any.

You have rights under the federal Fair Credit Reporting Act (“FCRA”). These include, among others, the right to know what is in your file; to dispute incomplete or inaccurate information; and to have consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information. For more information about the FCRA, please visit <https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf> or [www.ftc.gov](http://www.ftc.gov).

**Place a Fraud Alert on Your Credit File:** To protect yourself from possible identity theft, consider placing a fraud alert on your credit file. A fraud alert helps protect you against the possibility of an identity thief opening new credit accounts in your name. When a merchant checks the credit history of someone applying for credit, the merchant gets a notice that the applicant may be a victim of identity theft. The alert notifies the merchant to take steps to verify the identity of the applicant. You can report potential identity theft to all three of the major credit bureaus by calling any one of the toll-free fraud numbers below. You will reach an automated telephone system that allows you to flag your file with a fraud alert at all three bureaus.

Equifax	P.O. Box 740241 Atlanta, Georgia 30374-0241	1-800-525-6285	<a href="http://www.equifax.com">www.equifax.com</a>
Experian	P.O. Box 9532 Allen, Texas 75013	1-888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	Fraud Victim Assistance Division P.O. Box 2000 Chester, Pennsylvania 19016	1-800-680-7289	<a href="http://www.transunion.com">www.transunion.com</a>

**Place a Security Freeze on Your Credit File.** You have the right to place a “security freeze” on your credit file. A security freeze generally will prevent creditors from accessing your credit file at the three nationwide credit bureaus without your consent. You can request a security freeze free of charge by contacting the credit bureaus at:

Equifax	P.O. Box 740241 Atlanta, Georgia 30374-0241	www.equifax.com
Experian	P.O. Box 9554 Allen, Texas 75013	www.experian.com
TransUnion	Fraud Victim Assistance Division P.O. Box 2000 Chester, Pennsylvania 19016	www.transunion.com

The credit bureaus may require that you provide proper identification prior to honoring your request. 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 law enforcement agency concerning identity theft

Placing a security freeze on your credit file may delay, interfere with, or prevent timely approval of any requests you make for credit, loans, employment, housing or other services. For more information regarding credit freezes, please contact the credit reporting agencies directly.

**Contact the U.S. Federal Trade Commission.** If you detect any incident of identity theft or fraud, promptly report the incident to your local law enforcement authorities, your state Attorney General, and the Federal Trade Commission ("FTC"). If you believe your identity has been stolen, the FTC recommends that you take these additional steps.

- Close the accounts that you have confirmed or believe have been tampered with or opened fraudulently. Use the FTC's ID Theft Affidavit (available at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)) when you dispute new unauthorized accounts.
- File a local police report. Obtain a copy of the police report and submit it to your creditors and any others that may require proof of the identity theft crime.

You can learn more about how to protect yourself from becoming an identity theft victim (including how to place a fraud alert or security freeze) by contacting the FTC:

Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

1-877-IDTHEFT (438-4338)  
www.ftc.gov/idtheft

**For Iowa Residents:** State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

**For Maryland Residents:** You can obtain information from the Maryland Office of the Attorney General about steps you can take to help prevent identity theft. You can contact the Maryland Attorney General at: 200 St. Paul Place, Baltimore, MD 21202, 888-743-0023, [www.oag.state.md.us](http://www.oag.state.md.us)

**For Massachusetts Residents:** You have a right to request from us a copy of any police report filed in connection with this 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. As noted above, you also have the right to place a security freeze on your credit report at no charge.

**For New York Residents:** You may also contact the following state agencies for information regarding security breach response and identity theft prevention and protection information:

New York Attorney General's Office  
Bureau of Internet and Technology  
(212) 416-8433  
<https://ag.ny.gov/internet/resource-center>

NYS Department of State's Division of  
Consumer Protection  
(800) 697-1220  
<https://www.dos.ny.gov/consumerprotection>

**For North Carolina Residents:** You can obtain information from the Federal Trade Commission and the North Carolina Office of the Attorney General about steps you can take to help prevent identity theft. You can contact the North Carolina Attorney General at: 9001 Mail Service Center, Raleigh, NC 27699, 1-877-566-7226, [www.ncdoj.gov](http://www.ncdoj.gov)

**For Oregon Residents:** State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission. You can contact the Oregon Attorney General at: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, (877) 877-9392, [www.doj.state.or.us](http://www.doj.state.or.us)

**For Rhode Island Residents:** You can obtain information from the Rhode Island Office of the Attorney General about steps you can take to help prevent identity theft. You can contact the Rhode Island Attorney General at: 150 South Main Street, Providence, RI 02903, (401) 274-4400, [www.riag.ri.gov](http://www.riag.ri.gov). As noted above, you have the right to place a security freeze on your credit report at no charge, but note that consumer reporting agencies may charge fees for other services.