

May 19, 2009

**VIA CERTIFIED MAIL**

Honorable Douglas F. Gansler  
Maryland Office of the Attorney General  
Attn: Security Breach Notification  
200 St. Paul Place, 16<sup>th</sup> Floor  
Baltimore, MD 21202

**RE: Unauthorized Disclosure of Personal Information of Maryland Residents**

Dear Attorney General Gansler:

This letter is notice that the personal information of Maryland residents may have been acquired by another third party administrator.

By way of background, Davis Vision is a third party administrator providing routine vision care services to its members. Davis Vision regularly handles protected health information of its members, including but not limited to the name, social security number, date of birth, and various claims and service records pertaining to the vision care services rendered through its contracted providers.

A secure file containing claims information intended for members of a group customer was erroneously transmitted to another third party administrator on eight occasions between December 31, 2008 and April 15, 2009 (12/31/08, 1/15/08, 1/31/09, 2/15/09, 2/28/09, 3/15/09, 3/31/09, and 4/15/09). Davis Vision was made aware of the error on April 21, 2009. The third party administrator was immediately contacted and further instructed to return all electronic and paper copies of said files and to destroy any remnants of said files.

The transmission was a manual error on part of a Davis Vision associate who had inadvertently switched the contact information for two different group customers. Such file included the name, contract identification number (Social Security number), relationship code (for dependents and spouse), date of service, service codes, claims number, provider number (Davis Vision assigned), and claims amounts of the members of said group customer. In aggregate, said breach has resulted in the unauthorized disclosure of 1367 members' confidential information, of which 65 are Maryland residents.

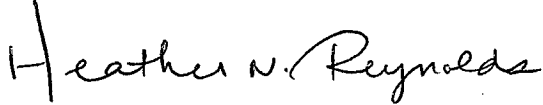
Subsequent investigation has resulted in stricter quality control and review procedures to modifications of group customer information. Further, Davis Vision has voluntarily audited 20% of all invoices pending release to verify the billing contact information.

While Davis Vision does not have knowledge that the third party administrator intends to use or has used the disclosed information in a fraudulent manner, we are providing notice of this

incident to all members who have been affected. The notice as described is enclosed herein. Additionally, members will be informed of their option to place fraud alerts on their accounts so that they can monitor their credit reports for any suspicious activity. Further, as this incident concerns more than 1000 individuals in aggregate, Davis Vision will be notifying all three credit-reporting agencies of the nature of the breach in accordance with Maryland law.

Davis Vision intends on communicating to its Maryland members the enclosed notification letter as swiftly as possible within the next week. If there is additional information about the incident that I may be able to provide to you to assist you regarding Maryland residents, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Heather N. Reynolds". The signature is written in a cursive style with a large initial 'H'.

Heather N. Reynolds, Esq.  
Assistant Vice President  
Contracting & Regulatory Compliance

## NOTICE OF SECURITY INCIDENT

May 19, 2009

Davis Vision, Inc.  
Privacy Office  
711 Troy Schenectady Rd.  
Latham, NY 12110

[Name]  
[Address 1]  
[Address 2]

Dear [Name]:

We regret to inform you that an incident has occurred which may have compromised some of your personal information.

A secure file containing claims information intended for your group, Harris Corporation, was received by another third party administrator in error on eight occasions between December 31, 2008 and April 15, 2009. Davis Vision immediately notified the third party administrator upon discovery and instructed the third party administrator to secure the data by destroying all electronic and paper copies. The secure file included your name, contract identification number (Social Security number), relationship code (for dependents and spouse), date of service, service codes, claims number, provider number (Davis Vision assigned), and claims amounts.

As this was a manual error, the staffs have received additional training to reinforce the importance of handling confidential information appropriately. Further quality control and review procedures are being implemented to ensure similar events do not reoccur.

While we have no evidence that your information was misused and doubt that there is any reasonable risk of harm to you or your information, we believe it is prudent to notify you of this situation so that you can take steps to protect yourself. We recommend that you remain vigilant regarding your credit report and promptly report any incidents of suspected identity theft to us, the Federal Trade Commission, and to the proper law enforcement authorities.

Both the Federal Trade Commission and the Maryland Attorney General can provide information for consumers to help deter and defend against identity theft.

Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)  
877-438-4338

Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202  
[www.oag.state.md.us](http://www.oag.state.md.us)  
888-743-0023

Additionally, you may consider placing a security freeze on your credit report. 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 ([www.equifax.com](http://www.equifax.com)); Experian ([www.experian.com](http://www.experian.com)); and TransUnion ([www.transunion.com](http://www.transunion.com)) by regular, certified or overnight mail at the addresses shown below. You may also consider contacting one of the three credit reporting agencies at the address or number below for more information about your credit file.

Equifax  
P.O. Box 740241  
Atlanta, GA 30374  
800-525-6285

Experian  
475 Anton Blvd.  
Costa Mesa, CA 92626  
888-397-3742

Trans Union  
P.O. Box 6790  
Fullerton, CA 92834  
800-680-7289

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;
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.

The credit reporting agencies have three (3) business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze.

To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) and the PIN number or

password provided to you when you placed the security freeze as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to lift the security freeze for those identified entities or for the specified period of time.

To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze. The credit bureaus have three (3) business days after receiving your request to remove the security freeze.

To further protect yourself, we recommend that you place a fraud alert on your credit file. A fraud alert tells creditors to contact you before they extend credit, open a new account, or change your existing accounts.

You should also report any unauthorized activity as soon as you are aware of it to your financial institution, credit reporting agencies, and law enforcement authorities.

If you need additional information, please call our helpline at 888-456-8775.

We at Davis Vision are committed to maintaining our members' privacy. Please be assured that the security of our data systems is a top priority. We are truly sorry for the inconvenience this situation may have caused.

Sincerely,

William Cushing  
Vice President  
Commerce & Business Services