

## PROSKAUER ROSE LLP

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July 6, 2009

A. Hugh Williams  
Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202

Re: Legal Notice of Information Security Breach

Dear Mr. Williams:

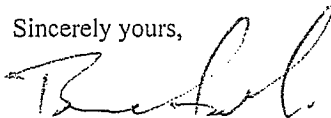
I write on behalf of the Pension Fund of the U.S.W.U. Local No. 74 (the "Fund") to inform you of an information security breach involving one of our service providers, Associated Third Party Administrators ("ATPA"), and approximately three (3) residents of your state. On Thursday, May 28, 2009, during the process of transitioning to become the third party administrator for the Fund, a laptop computer was stolen from the reception area of ATPA's office in New York City. ATPA filed a police report, and the police conducted an investigation, but a suspect has not been identified nor has the laptop been recovered. Pending their investigation, the police requested that ATPA delay notifying affected individuals so as not to interfere with their investigation.

Unfortunately, a file on the laptop contained electronic pension files of some Fund participants and their beneficiaries. These files contain personal information such as name, address, Social Security Number, copies of driver's licenses and other pension related information. For some individuals, the files also contain bank account information. The laptop is password protected, but the information is not encrypted.

At this time ATPA has no reason to believe that any personal information has been or will be accessed or misused. Nonetheless, as a precaution, ATPA is notifying all affected individuals via written letter to each through first class mail, and offering them the opportunity to enroll in a free credit monitoring service for two years. These notifications will begin mailing on or about July 7, 2009. A copy of the form of notice to impacted individuals is attached for your reference.

If you have any questions or need further information regarding this incident, please call me.

Sincerely yours,



Brendon M. Tavelli

Enclosure

Dear [insert name] –

We are writing to inform you of the theft of a laptop computer that contained sensitive personal information regarding a small number of participants in the Pension Fund of the U.S.W.U. Local No. 74 (the “Fund”), and some of their beneficiaries.

As you may be aware, Associated Third Party Administrators (“ATPA”) has been retained by the Fund to provide administrative services to the Fund as the third party administrator. As the third party administrator, ATPA will maintain information about Fund participants and their beneficiaries for purposes of providing these services. On Thursday, May 28, 2009, a laptop computer was stolen from our office in New York City. A file on the laptop contained electronic pension files of some Fund participants and their beneficiaries. Unfortunately, we believe that your data was contained on the laptop.

These electronic pension files contained personal information such as name, address, Social Security Number, copies of driver’s licenses and other pension related information. For some individuals, the files also contained bank account information. The laptop was password protected, but the information stored on the laptop was not encrypted. We contacted the police immediately to file a police report, and the police conducted an investigation, but a suspect has not been identified nor has the laptop been recovered. Pending their investigation, the police requested that we delay notifying affected individuals so as not to interfere with their investigation.

At this time we do not know whether your personal information has been or will be accessed or misused, but we do want to make you aware of the steps you may take to guard against identity theft. In addition, because we realize that the thought of potential identity theft can be of concern, we are making available to you a credit monitoring product, Triple Alert<sup>SM</sup>, for two years at no charge to you, to help you detect possible misuse of your data. If you choose to enroll in this product, you must activate your credit monitoring membership by July 31, 2010 by visiting <http://partner.consumerinfo.com/triple>, or by calling 866-252-8809, and using your **unique single-use activation code** printed at the top of this letter. Please see the attached pages containing additional information about this product including important enrollment instructions and other useful information.

You may contact our toll free number at : for additional information. Please be assured that we take the protection of your personal information very seriously and are taking steps to help prevent a similar occurrence, including reviewing our security policies and procedures with relevant staff to ensure that they understand, and realize the importance of, our

policies and procedures. We sincerely regret any inconvenience or concern caused by this incident.

Sincerely,

Associated Third Party Administrators

## IDENTITY THEFT PREVENTION REFERENCE GUIDE

To help you detect the possible misuse of your personal information, we are providing you with a complimentary two year membership in Experian's Triple Alert<sup>SM</sup> credit monitoring product at no cost to you. Triple Alert will monitor your credit reports at the three national credit reporting companies: Experian, Equifax<sup>®</sup> and TransUnion<sup>®</sup> and notify you of key changes. Triple Alert is a powerful tool that will help you identify potentially fraudulent use of your information. Your Triple Alert membership is completely free and will not hurt your credit score.

The complimentary 24-month Triple Alert<sup>SM</sup> membership includes:

- Tri-bureau credit monitoring and alerts: Automatic daily monitoring of the Experian, Equifax and TransUnion credit files and e-mail alerts of key changes
- Monthly "no-hit" reports: Updates letting you know there were no changes with your credit activity
- Fraud resolution assistance: Toll-free access to fraud resolution specialists who help investigate each incident; contact credit grantors to dispute charges, close accounts and compile documents; and contact all relevant government agencies and law enforcement officials as needed
- Identity theft insurance: \$25,000 maximum insurance coverage with zero deductible provided by Virginia Surety Company, Inc. for certain identity theft expenses\*

\* Insurance coverage is not available for individuals who are residents of New York. If you are a New York resident and would like to obtain your own identity theft insurance coverage under your renters' or homeowner's insurance policy, we will compensate you for the cost of up to \$25,000 of such coverage for two years.

The web site to enroll in Triple Alert and your individual activation code are both listed in the above cover letter. To sign up, please visit the web site and enter your individual activation code. Please keep in mind that once activated, the code cannot be re-used for another enrollment. The web site will guide you through the process of enrolling in Triple Alert. If you need technical assistance, or if you would like to enroll in Experian's off-line Triple Alert product instead, please call 866-252-8809.

Even if you do not feel the need to register for the credit monitoring service, we recommend that you regularly review statements from your accounts and periodically obtain your credit report from one or more of the national credit reporting companies. You may obtain a free copy of your credit report once every 12 months by visiting <http://www.annualcreditreport.com>, calling toll-free 877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281 (you can print a copy of the request form at <http://www.ftc.gov/bcp/menus/consumer/credit/rights.shtml>).

You can also purchase a copy of your credit report by contacting one of the three national credit reporting companies:

Equifax  
(800) 685-1111  
www.equifax.com  
P.O. Box 740241  
Atlanta, GA 30374-0241

Experian  
(888) 397-3742  
www.experian.com  
P.O. Box 9532  
Allen, TX 75013

TransUnion  
(800) 916-8800  
www.transunion.com  
P.O. Box 6790  
Fullerton, CA 92834-6790

When you receive your credit reports, review them carefully. Look for accounts you did not open. Look for inquiries from creditors that you did not initiate. And look for personal information, such as home address and Social Security number, that is not accurate. If you see anything you do not understand, call the credit reporting agency at the telephone number on the report.

We recommend that you remain vigilant, particularly over the next 12 to 24 months, in monitoring your accounts and credit reports, and promptly report identity theft to proper law enforcement authorities. You may contact the Federal Trade Commission ("FTC") or the Maryland Attorney General's Office to obtain additional information about avoiding identity theft.

Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)

<http://www.ftc.gov/bcp/edu/microsites/idtheft/>

Office of the Attorney General  
Consumer Protection Division  
200 St. Paul Place  
Baltimore, MD 21202  
1-888-743-0023

[www.oag.state.md.us](http://www.oag.state.md.us)

You may also elect to implement one of the following:

**Fraud Alerts:** A fraud alert tells creditors to contact you before they open any new credit accounts or change your existing accounts. To place a fraud alert on your credit file, contact one of the three national credit bureaus at the numbers provided above.

**Credit Freezes:** You can place a "credit freeze" on your credit file, so that no credit reports can be released from your credit file without the use of a PIN number that is issued to you when you initiate your credit freeze. Since the instructions for how to establish a credit freeze differ from state to state, please contact the three major credit bureaus above to find out more information.