



# Facsimile Transmission

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Facsimile: (212) 755-7306  
mfpaiez@jonesday.com

May 1, 2008

Please hand deliver the following facsimile to:

Name: **Lauren J. Noether, Esq.**  
**Bureau Chief, Consumer Protection Div.**

Facsimile No.: **(603) 271-2110**

Company: **Office of New Hampshire Attorney General**

Number of pages (including this page): **7**

Telephone No.: **(603) 271-3658**

From: **Mauricio F. Paez, Esq.**

Title: **Partner**

Send Copies To:

Direct Telephone No.: **(212) 326-7889**

JP No.: **JP002158**

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Operator's initials

CAM No.: **902157-600001**

Re: **Attn.: Data Breach**

**CONFIDENTIAL**

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**Message:**

**Attn.: Security Breach Notification**

Please see attached.

Thank you.

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

NYI-4084304v1

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**JONES DAY**

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902157-600001

April 30, 2008

CONFIDENTIALU.S. FIRST CLASS MAILHonorable Kelly A. Ayotte  
Attorney General of the State of New Hampshire  
New Hampshire Department of Justice  
Consumer Protection and Antitrust Bureau  
33 Capitol Street  
Concord, New Hampshire 03301Re: Recent Adobe Systems Incorporated Data Breach

Dear Attorney General Ayotte:

I am writing to give you advance notice of a data privacy incident affecting our client, Adobe Systems Incorporated ("Adobe"), and one (1) consumer in your state. It appears that certain personal information was stored on a server accessed via an Adobe website portal at a time when the server did not contain security or authentication procedures. The server was created to allow customers to upload information in order to enable Adobe to validate a customer's qualification to purchase certain education software.

Adobe will notify the affected individual on May 2, 2008. An exemplar copy of the notice letter is enclosed for your information.

At this point, Adobe believes that the following information was exposed for the individual who will be notified: name, home address; date of birth; and driver's license number.

So far there is no indication that any unauthorized person has used or is misusing the information that was exposed. Nonetheless, as the enclosed letter explains, Adobe has taken numerous steps to protect the security of the notified individual in your state, including providing a full package of credit protection services and credit insurance for one year, free of charge.

Adobe has taken steps to reduce the risk of future breaches. Should any significant new information arise, we will promptly inform you.

NY1-4084113v1

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**JONES DAY**

Honorable Kelly A. Ayotte  
April 30, 2008  
Page 2

Please do not hesitate to contact me if I can provide you with any additional information at any time.

Very truly yours,

Mauricio F. Paez

cc: Adobe Systems Incorporated:  
Lauren J. Nuether, Esq.  
Senior Associate General Counsel and Bureau Chief  
Cheryl House, Esq.  
Associate General Counsel

Enclosure



Adobe Systems Incorporated  
345 Park Avenue  
San Jose, CA 95110-2704  
Phone 408 536.6000  
Fax 408 537.6000

April 30, 2008

FIRST NAME LAST NAME  
ADDRESS1  
ADDRESS2  
CITY, STATE, ZIP

Dear [FIRST NAME LAST NAME]:

We are writing to inform you of a recent incident possibly involving the unauthorized exposure of your personal information. The information was stored on a server accessed via an Adobe website portal at a time when the server did not contain Adobe's standard security or authentication procedures. The information was stored in relation to status verification for your recent purchase of Adobe education version software.

#### Details of Incident

Based on our investigation to date, we believe some combination of the following information may have been exposed for the customers we are notifying: name, address, home and/or cellular phone number, email address, date of birth, school name, partial or full credit card number, credit card expiration date, credit card security code, partial or full bank account number, partial or full social security number, school identification card, driver's license number, government identification, military identification number, and copy of a signature. We have no reason to believe that any personally identifiable information was potentially exposed except the information contained in the images that you uploaded to Adobe. We apologize for this incident and sincerely regret any inconvenience that these events and responding to this notice may cause you.

Please note that Adobe has no indication that any unauthorized individual has accessed, has used, or is using your personal information; we bring this incident to your attention, however, so that you can be alerted to signs of possible misuse of your personal information should it occur.

Immediately after Adobe learned of this incident, we secured the server and removed the feature in the website portal allowing customer access in order to prevent unauthorized access to the information. Additionally, we began an investigation to determine which files, if any, were exposed. Our investigation revealed that files containing the above information were not properly secured, and could have been accessed by unauthorized third parties via the Internet. Again, we have no indication that any specific information was accessed by one or more unauthorized persons. However, we received a notification from an Adobe customer that these files were accessible to others via the website portal.

#### What Adobe is Doing to Help Protect Your Privacy and Security

Under these circumstances, we advise you to remain vigilant against the possibility of fraud and/or identity theft by monitoring your account statements and credit reports for unusual activity. To enable you to detect such misuse, Adobe has taken the following steps:

- Adobe has contracted with ConsumerInfo.com, Inc., an Experian® company, to provide you with one full year of credit monitoring, at no cost to you.

**Triple Alert<sup>SM</sup> Product Features**

Triple Alert<sup>SM</sup> - This credit monitoring product known as Triple Alert<sup>SM</sup> will identify and notify you of key changes in your three national credit reports that may indicate fraudulent activity. Your 12-month complimentary membership includes:

- Monitoring of all three of your national credit reports from Experian, Equifax\* and TransUnion\* - everyday
- Email alerts of key changes to any of your 3 national credit reports
- Monthly "No Hit" alerts if there have been no important changes to your credit reports
- Dedicated Fraud Resolution Representatives available for victims of identity theft
- \$10,000 identity theft insurance, with no deductible, provided by Virginia Surety Company, Inc.\*

\*Due to New York state law restrictions, identity theft insurance coverage cannot be offered to residents of New York.

You have ninety (90) days to activate this membership, which will then continue for 12 full months. We encourage you to activate your credit monitoring membership quickly.

To redeem your Triple Alert<sup>SM</sup> membership, please visit <http://partner.consumerinfo.com/adobe> and enter the activation code provided below. You will be instructed on how to initiate your online membership.

Your Credit Monitoring Activation Code: [insert Activation code]

- Adobe has set up a call center with a special toll-free number, 800-649-2770, to provide you with further assistance and information you may need regarding this incident and the available protections.
- Where required by law, Adobe has notified the Attorney General's office in your state of residence about this incident. Those offices may offer further information and support to help you guard against fraud and identity theft.

**Additional Steps You Can Take to Protect Yourself**

For your additional protection, we suggest that you contact the fraud department at any one of the three credit reporting companies to inform them that you may be a potential victim of identify theft and request that a "fraud alert" be placed on your credit file. A fraud alert is a consumer statement added to your credit file that warns creditors about possible fraudulent activity within your account and requests that any creditors contact you before they open any new accounts or change your existing accounts. There is no charge for this service, and it is easy to request. Call any one of the three major credit bureaus listed below. If you will be using the online credit monitoring product and will be placing a fraud alert, please first enroll in the online credit monitoring product and then call one of the following credit bureaus to place a fraud alert on your credit file. As soon as you alert one credit bureau, it will notify the other two to place fraud alerts on your account as well.

Credit Agency	Fraud Alert Toll-Free No.	Website
Equifax	1-888-766-0008	<a href="http://www.equifax.com">www.equifax.com</a>
Experian	1-888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	1-800-680-7289	<a href="http://www.transunion.com">www.transunion.com</a>

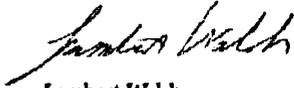
In addition to the steps that Adobe has already taken to protect you, there are a number of other ways you can protect yourself from fraud and identity theft:

- You are entitled under U.S. law to one free credit report annually from each of the three major credit reporting companies listed above. Reviewing your credit report will allow you to confirm that no new accounts have been opened without your knowledge and may give you early notice of any potential fraud or incidents of identity theft. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll-free (877) 322-8228.

- When you receive your credit reports, review them carefully. If you see anything you do not understand, call the credit reporting company. If you do find suspicious activity on your credit reports, call your local police or sheriff's office and file a police report of identify theft. Make sure to obtain a copy of the police report because you may need to provide the report to creditors to clear your record. You also should file a complaint with the Federal Trade Commission ("FTC") at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or at 1-877-ID-THEFT (1-877-438-4338). Your complaint will be added to the FTC's Identity Theft Data Clearinghouse, where it will be accessible to law enforcers for their investigations.
- Even if you do not find any suspicious activity on your initial credit reports, the FTC recommends that you continue to check your credit reports periodically. Identity thieves sometimes hold on to personal information for a period of time before using it. Checking your credit reports periodically can help you spot potential problems and address them quickly.
- For additional information on how to further protect yourself against identity theft, you may wish to visit the web site of the U.S. Federal Trade Commission at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).

Please rest assured that Adobe takes data security very seriously and we have already taken steps to minimize any risk from this incident and any future such incidents. Again, we deeply apologize for any inconvenience or concern this incident may cause you, and we encourage you to take full advantage of the resources we have provided to protect your personal information

Sincerely,



Lambert Walsh  
Vice President  
Adobe Customer Care