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**Morgan Lewis**  
C O U N S E L O R S A T L A W

**Colm F. Connolly**  
Partner

February 1, 2011

Department of Justice  
Consumer Protection Bureau  
33 Capital Street  
Concord, NH 03301

***RE: Notice of Potential Data Breach Pursuant to NH Rev. Stat. § 359-C:20***

To whom it may concern:

This Firm represents The Penn Mutual Life Insurance Company ("Penn Mutual") in connection with a former employee's unlawful accessing of customer personal information from Penn Mutual's records and her disclosure of at least some of that information to others. We are writing to notify you of the incident, as the data in question may have included the personal information of New Hampshire residents.

When Penn Mutual learned that the former employee had, during the course of her employment, unlawfully accessed personal information of Penn Mutual customers, it immediately fired the employee. Penn Mutual referred the former employee to the United States Attorney's Office for the Eastern District of Pennsylvania for prosecution and has been working with the United States Secret Service on this matter. As part of its internal investigation into the matter, Penn Mutual retained a computer expert to conduct a forensic examination of the former employee's computer. Although we have not been able to determine definitively what customer accounts and what personal information were unlawfully accessed by the former employee, it appears that the former employee accessed and may have improperly disclosed the names, addresses, dates of birth, Social Security Numbers, and bank account information associated with a number of our customer accounts.

Out of an abundance of caution, Penn Mutual has decided to send notification letters to individuals whose personal information was associated with the accounts we know were accessed by the employee during the time period in question, regardless of whether Penn Mutual has any indication that the access was improper or that the information was used outside the legitimate scope of the employee's work. We expect that in many instances, the access was appropriate and consistent with the employee's duties. Nonetheless, and even though there is no legal obligation to do so, Penn Mutual is sending the enclosed notification letter and reference

New Hampshire Consumer Protection Bureau  
February 1, 2011  
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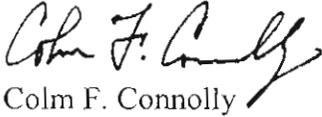
**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

guide via United States Postal Service domestic first-class mail to the individuals whose personal information was associated with the accounts in question. Five (5) of these individuals have their primary mailing address in the state of New Hampshire.

Penn Mutual is committed to maintaining and protecting the confidentiality of our customers' personal information. It regrets that this situation has occurred and will be working to reduce the risks of a similar situation happening in the future.

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

Sincerely,



Colm F. Connolly

Enclosures

January xx, 2011

<Name>  
<Address>  
<City State Zip>

Equifax Promotion Code: # XXXXXXXXXX

Dear <Client>:

We are writing to make you aware that a former employee of The Penn Mutual Life Insurance Company ("Penn Mutual") accessed unlawfully from our records personal information of some of our clients and disclosed that information to others. Although we are not aware that your personal information was unlawfully disclosed or misused by this former employee, the security of your information, and that of all of our clients, is very important to us and we strive to handle it with care and discretion at all times. Accordingly, we wanted to inform you about these unfortunate circumstances and steps we have taken to safeguard your personal information.

We deeply regret this situation and are disappointed and angry with the former employee whom we fired immediately when we learned about her conduct. You should also know that we have referred the employee to the United States Attorney's Office for the Eastern District of Pennsylvania for prosecution, and are working with the United States Secret Service on this matter. We are not certain as to what personal information the former employee may have unlawfully accessed; however, we believe she may have misused or disclosed to others the names, addresses, dates of birth, Social Security Numbers, and bank account information of some of our clients. Again, we are not aware that your personal information was unlawfully disclosed or misused by this former employee.

As a safeguard, we have arranged with Equifax Personal Solutions to help you protect your identity and your credit information. As a precautionary measure, you can enroll in Equifax Credit Watch™ Gold with 3-in-1 Monitoring at no cost to you for the next 12 months. We ask that you please enroll in this program within 90 days of the date of this letter.

***Enroll in Equifax Credit Watch™ Gold with 3-in-1 Monitoring***

Equifax Credit Watch will provide you with an "early warning system" to changes to your credit file and help you to understand the content of your credit file at the three major credit reporting agencies.

Equifax Credit Watch provides you with the following benefits:

- Comprehensive credit file monitoring and automated alerts of key changes to your Equifax, Experian and TransUnion credit reports
- Wireless alerts and customizable alerts available
- One 3-in-1 Credit Report and access to your Equifax Credit Report™

- Up to \$1 million in identity theft insurance with \$0 deductible, at no additional cost to you †
- 24/7 live agent Customer Service to assist you in understanding the content of your Equifax credit information, in receiving personalized identity theft victim assistance and in initiating an investigation of inaccurate information.
- 90 day Fraud Alert placement with automatic renewal functionality (available online only).

### ***How to Enroll***

To sign up online for online delivery go to [www.myservices.equifax.com/tri](http://www.myservices.equifax.com/tri) within 90 days of the date of this letter.

- 1. Register:** Within 90 days of the date of this letter, complete the form with your contact information (name, address and e-mail address) and click the "Continue" button. The information is provided in a secured environment.
- 2. Verify ID:** Complete the form with your Social Security Number, date of birth, and telephone numbers; create a User Name and Password, agree to the Terms of Use and enter the Equifax promotion code provided at the top of this letter in the "Enter Promotion Code" box; and click "Accept Terms & Continue" button. This code eliminates the need to provide a credit card number for payment. The system will then ask you up to four security questions. Please answer the questions and click the "Continue" button. This is the Equifax Identity Verification Process.
- 3. Confirmation:** This page displays your order; please click the "Submit Order" button.
- 4. View Product:** Click "View My Product" to access your 3-in-1 Credit Report and other product features.

To sign up for **US Mail delivery**, dial 1-866-937-8432 for access to the Equifax Credit Watch automated enrollment process. Note that all credit reports and alerts will be sent to you via US Mail only.

- 1. Promotion Code:** You will be asked to enter your Equifax promotion code as provided at the top of your letter.
- 2. Customer Information:** You will be asked to enter your home telephone number, home address, name, date of birth and Social Security Number.
- 3. Permissible Purpose:** You will be asked to provide Equifax with your permission to access your credit file and to monitor your file. Without your agreement, Equifax cannot process your enrollment.
- 4. Order Confirmation:** Equifax will provide a confirmation number with an explanation that you will receive your Fulfillment Kit via the US Mail (when Equifax is able to verify your identity) or a Customer Care letter with further instructions (if your identity cannot be verified using the information provided). Please allow up to 10 business days to receive this information.

There are several additional precautions we suggest you take to monitor use of your personal information and prevent identity theft. A Fraud Alert can be placed on your credit file for 90 days at no cost to you.

### ***Directions for Placing a Fraud Alert***

A fraud alert is a consumer statement added to your credit report. This statement alerts creditors of possible fraudulent activity within your report as well as requests that they contact you prior to establishing any accounts in your name. Once the fraud alert is added to your credit report, all creditors should contact you prior to establishing any account in your name. To place a fraud alert on your credit file, visit: [www.fraudalerts.equifax.com](http://www.fraudalerts.equifax.com) or you may contact Equifax's auto fraud line at 1-877-478-7625, and follow the simple prompts. Once the fraud alert has been placed with Equifax, a notification will be sent to the other two credit reporting agencies, Experian and TransUnion, on your behalf.

You can also receive additional information and guidance about preventing identity theft from the following resources:

- Federal Trade Commission (FTC):  
1-877-IDTHEFT  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)
- Social Security Administration's Fraud Hotline:  
1-800-269-0271

We also suggest that you monitor the bank account used for your premium payments, regularly review your credit report, and look for accounts you did not open or inquiries from creditors you did not initiate. You should also look for personal information, such as a home address and/or Social Security Number that is not accurately identified in the credit report. If you suspect inappropriate activity, we suggest you contact the creditor or financial institution involved, the FTC at the number listed above, as well as the Secret Service, which can be reached at [REDACTED]. The Secret Service case number for this matter is [REDACTED]. We have also enclosed a reference guide with additional information about ways you can protect yourself.

Again, we deeply regret this situation. If you have questions about this matter, please contact our Producer & Client Services Department at 1-800-523-0650. Our team of professional service representatives is available to assist you anytime between 8:30 a.m. and 5:00 p.m., Eastern Time, Monday through Friday.

Sincerely,



*Alida M. Moose*  
Vice President, Producer & Client Services

† Insurance underwritten by member companies of American International Group, Inc. The description herein is a summary only. It does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for complete details of coverage and exclusions. This product is not intended for minors (under 18 years of age).

## Reference Guide

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

**Contact the Federal Trade Commission.** You can contact the Federal Trade Commission's Consumer Response Center at 600 Pennsylvania Avenue, NW, Washington, DC, 20580 or at <http://www.ftc.gov/bcp/menus/business/data.shtml>, to obtain more information about steps you can take to avoid identity theft.

**Order Your Free Credit Report.** To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), call toll-free at 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 free annual credit reports 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.

**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	877-478-7625	<a href="http://www.equifax.com">www.equifax.com</a>
Experian	P.O. Box 9532 Allen, Texas 75013	888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	Fraud Victim Assistance Division P.O. Box 6790 Fullerton, California 92834-6790	800-680-7289	<a href="http://www.transunion.com">www.transunion.com</a>

**Place a Security Freeze on Your Credit File.** You may wish 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 by contacting the credit bureaus at:

Equifax	P.O. Box 105788 Atlanta, Georgia 30348	<a href="http://www.equifax.com">www.equifax.com</a>
Experian	P.O. Box 9554 Allen, Texas 75013	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	Fraud Victim Assistance Division P.O. Box 6790 Fullerton, California 92834-6790	<a href="http://www.transunion.com">www.transunion.com</a>

The credit bureaus may charge a reasonable fee to place a freeze on your account, and 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
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.

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 by contacting the FTC:

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

**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:

Maryland Office of the Attorney General  
Consumer Protection Division  
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. 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 each to place, temporarily lift, or permanently remove a security freeze.

**For North Carolina Residents:** You can obtain information from the North Carolina Office of the Attorney General about steps you can take to help prevent identity theft. You can contact Attorney General Roy Cooper's Consumer Hotline toll-free within North Carolina at 1-877-5-NO-SCAM.