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July 23, 2013

Attorney General Michael A. Delaney  
Office of the New Hampshire Attorney General  
Attn: Security Breach Notification  
33 Capitol Street  
Concord, NH 03301

**Re: Ruby Tuesday, Inc. - Notice of Data Event**

Dear Sir or Madam:

We represent Ruby Tuesday, Inc., 150 West Church Avenue, Maryville, Tennessee 37801 ("Ruby Tuesday") and are writing to notify you of a data event that may affect the security of personal information of one (1) New Hampshire resident. Ruby Tuesday's investigation into this event is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Ruby Tuesday does not waive any rights or defenses under New Hampshire law.

**Nature of the Data Security Event**

On July 8, 2013, a Ruby Tuesday Support Center employee inadvertently sent an email to a former Ruby Tuesday employee. The email contained an attached spreadsheet listing the name, Social Security number, bank name, bank account type, bank account number, and routing number for certain Ruby Tuesday employees. The email was not intended to be sent externally.

Ruby Tuesday immediately attempted to recall the email. Ruby Tuesday contacted the former employee to request the email and attachment be permanently deleted and the former employee confirmed its deletion. Ruby Tuesday launched an investigation to confirm the nature of the exposure and to identify those potentially affected by this incident.

**Notice to New Hampshire Residents**

Ruby Tuesday determined that the name, Social Security number, bank name, bank account type, bank account number, and routing number for one (1) New Hampshire resident was contained in

the attachment to the email inadvertently sent to the former Ruby Tuesday employee. On or about July 10, 2013, Ruby Tuesday telephoned this one (1) individual to provide verbal notice of this incident. Ruby Tuesday sent written notice of this incident to this one (1) New Hampshire resident on or about July 19, 2013, in substantially the same form as the letter attached here as *Exhibit A*.

#### **Other Steps Taken and To Be Taken**

In addition to providing written notice of this incident to this individual, Ruby Tuesday is offering this individual access to one (1) free year of triple-bureau credit monitoring services and identity restoration services. Ruby Tuesday is also providing this individual with information on how to protect against identity theft and fraud. Ruby Tuesday is providing notice to other state regulators in accordance with those states' laws.

#### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact me at 215-358-5161.

Sincerely,



Christopher J. DiLenno

Enc.

cc: Ruby Tuesday, Inc.

# ***EXHIBIT A***

# RubyTuesday

150 WEST CHURCH AVENUE, MARYVILLE, TENNESSEE 37801 PHONE 865-379-5700

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July 19, 2013

[ Name ]  
[ Address ]  
[ City, State Zip ]

RE: The Data Matter; Ruby Tuesday, Inc. (“Ruby Tuesday”, “we”, and/or “our”)

Dear First and Last Name:

We are writing to inform you of a recent incident that may affect the security of your personal information. This letter is a follow-up to our telephone call to you on or about July 10, 2013 regarding this same incident.

On July 8, 2013, a Ruby Tuesday Support Center employee inadvertently sent an email to a former Ruby Tuesday employee. The email contained an attached spreadsheet listing your name, Social Security number, bank name, bank account type, bank account number, and routing number.

After learning of this incident, we launched an investigation and called to advise you of this incident. We contacted the former employee to request that the email and attachment be permanently deleted from all electronic devices and email addresses utilized by this former employee. We confirmed the contents of the email and the attachment and identified those potentially affected by this incident. We immediately contacted each person potentially affected by this incident by telephone.

Ruby Tuesday takes this matter, and the security of your personal information, seriously. In addition to taking the steps identified above, we are enhancing our security procedures to ensure that personal information is transmitted securely.

We are unaware of any actual or attempted misuse of your personal information as a result of this incident. Nevertheless, as a precautionary measure to safeguard your information from potential misuse, we have partnered with Equifax® to provide its ID Patrol identity theft protection product for one year at no charge to you. A description of this product is provided in the attached material, which also contains instructions about how to enroll (including your personal activation code). If you choose to take advantage of this product, it will provide you with a notification of key changes to your credit information, \$1 million Identity Fraud Expense Coverage and access to your credit report. You must complete the enrollment process by **October 31, 2013**. We urge you to consider enrolling in this product, at our expense, and reviewing the Additional Resources enclosed with this letter.

To further protect against possible identity theft or other financial loss, we encourage you to remain vigilant, to review your account statements, and to monitor your credit reports for suspicious

activity. Under U.S. law, you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

At no charge, you can also have these credit bureaus place a "fraud alert" on your file that alerts however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, please contact any one of the agencies listed below.

Equifax Security  
P.O. Box 105788  
Atlanta, GA 30348

FreezeExperian Security Freeze  
P.O. Box 9554  
Allen, TX 75013

TransUnion Security Freeze  
Fraud Victim Assistance Dept.  
P.O. Box 6790  
Fullerton, CA 92834

You can also further educate yourself regarding identity theft, and the steps you can take to protect yourself, by contacting your state Attorney General or the Federal Trade Commission. **For North Carolina residents**, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-919-716-6400, [www.ncdoj.gov](http://www.ncdoj.gov). **For Maryland residents**, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, (888) 743-0023, [www.oag.state.md.us](http://www.oag.state.md.us).

The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue, NW, Washington, DC 20580, [www.ftc.gov/bcp/edu/microsites/idtheft/](http://www.ftc.gov/bcp/edu/microsites/idtheft/), 1-877-ID-THEFT (1-877-438-4338); TTY: 1-866-653-4261. Instances of known or suspected identity theft should also be reported to law enforcement.

We apologize for any inconvenience or concern that this may have caused you. The safety and security of your personal information remains a top priority of ours. If you have any questions regarding this incident or this letter, please call (800) 325-0755, Monday through Friday, 8:00 a.m. to 5:00 p.m. EST, and reference the "Data Matter."

Sincerely,

Scarlett May  
Senior Vice President, Chief Legal Officer and Secretary  
Ruby Tuesday, Inc.



Activation Code: ~~INSERT Credit Monitoring Code~~

#### About the Equifax ID Patrol identity theft protection product

ID Patrol 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. Note: You must be over age 18 with a credit file in order to take advantage of the product.

ID Patrol provides you with the following key features and 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 (available online only)
- One 3-in-1 Credit Report and access to your Equifax Credit Report™
- Ability to receive alerts if your Social Security Number or credit card numbers are found on Internet trading sites (available online only)
- Ability to lock and unlock your Equifax Credit Report™ (available online only)
- Up to \$1 million in identity theft insurance with \$0 deductible, at no additional cost to you †
- 24 by 7 live agent Customer Service to assist you in understanding the content of your Equifax credit information, to provide 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: You can sign up online or over the phone

To sign up online for **online delivery** go to [www.myservices.equifax.com/patrol](http://www.myservices.equifax.com/patrol)

1. **Welcome Page:** Enter the Activation Code provided at the top of this page in the "Activation Code" box and click the "Submit" button.
2. **Register:** Complete the form with your contact information (name, gender, home address, date of birth, Social Security Number and telephone number) and click the "Continue" button.
3. **Create Account:** Complete the form with your email address, create a User Name and Password, check the box to accept the Terms of Use and click the "Continue" button.
4. **Verify ID:** The system will then ask you up to four security questions to verify your identity. Please answer the questions and click the "Submit Order" button.
5. **Order Confirmation:** This page shows you your completed enrollment. Please click the "View My Product" button to access the 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. **Activation Code:** You will be asked to enter your enrollment code as provided at the top of this 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 can not be verified using the information provided). Please allow up to 10 business days to receive this information.

#### 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 the Equifax 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 Trans Union, on your behalf.