

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor
Los Angeles, CA 90071-1410

STATE OF NH
DEPT OF JUSTICE

2015 MAR 27 AM 9:57

March 26, 2015

VIA OVERNIGHT DELIVERY

New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301

Re: Supplement to Courtesy Security Breach Notification Letter
Re: Anthem Breach

To Whom it May Concern:

This letter supplements Wendy's Company ("Wendy's") courtesy notice regarding the Anthem breach dated March 3, 2015, attached as Exhibit A for your reference. Anthem has recently informed Wendy's that this incident affected fifty-one (51) Wendy's former or existing health plan members residing in New Hampshire whose personal information was the subject of the incident.

If you have any questions regarding this incident, or if you desire further information or assistance, please contact [REDACTED]

Sincerely,

[REDACTED]

Attachment

ALSTON & BIRD L.L.P.

333 South Hope Street, 16th Floor
Los Angeles, CA 90071-1410

[REDACTED]

[REDACTED]

March 3, 2015

VIA OVERNIGHT DELIVERY

New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301

Re: Courtesy Security Breach Notification Letter Re: Anthem Breach

To Whom It May Concern:

We are writing on behalf of our client, The Wendy's Company ("Wendy's") that sponsors an ERISA group plan administered by Anthem Inc. ("Anthem"). On February 13, 2015, Anthem posted notice on its website that it was the victim of a cyber attack. See <https://www.anthemfacts.com/>. Anthem previously notified this office of the incident in accordance with N.H. Rev. Stat. Ann. §§ 359-C:19 – 359-C:21. Anthem also posted member notice on its website and will be mailing same in the form attached hereto as Exhibit "A."

The information herein is provided as a courtesy to your office and to provide any assistance we can in reducing identity theft. However, we believe that Anthem's notice to this office already satisfies N.H. Rev. Stat. Ann. §§ 359-C:19 – 359-C:21 and therefore do not admit that such statute or other similar potentially applicable laws in New Hampshire triggers additional reporting requirements on behalf of Wendy's, nor do we waive any defenses to the application of same, including those under ERISA.

All of the information and systems regarding this incident are in Anthem's custody and control. Anthem has notified Wendy's that it will provide a complete list of Wendy's current and former plan members whose data was potentially accessed during the cyber attack. Wendy's has not yet received this list from Anthem. Upon receipt of such information from Anthem, Wendy's will supplement this courtesy letter with an additional letter indicating the number of plan members potentially affected by the incident that are residents of New Hampshire.

If you have any questions regarding this incident, or if you desire further information or assistance, please call [REDACTED]

Attachment [REDACTED]