

Stirling, Bryan

From: Harry Cooper <COOPERH@sctax.org>
Sent: Friday, November 02, 2012 4:02 PM
To: Stirling, Bryan
Subject: FW: Conference Call
Attachments: Conference Call-1_20121102T150700.ics

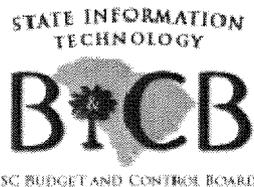
Call in number for Columbia is 803-726-9796

From: CIOHELPDESK [<mailto:ciohelpdesk@cio.sc.gov>]
Sent: Friday, November 02, 2012 3:15 PM
To: Ripple, Michael
Subject: FW: Conference Call

Good Afternoon,

Here is the new conference call information that has been requested. A password for the meeting will be sent in a follow up email.

If you have any questions or issues with this call, please contact us at the number below, attention Michael Ripple.



Thank you,
Information Technology Services and Support
Division of State Information Technology
SC Budget and Control Board
Columbia, South Carolina 29210
Email: ciohelpdesk@cio.sc.gov
Phone: (803) 896-0001

Date/Time: November 2, 2012 03:07 PM to January 1, 2051 12:01 PM
(America/New_York)
Frequency: Continuous

Join meeting: [Audio Conference](#)
Meeting password: Required

Dial in from your phone:
Meeting ID: 1764
Calling in from Columbia
dial 8037269796

Calling in from Greenville 8649083279
dial
Calling in from Charleston 8437377035
dial



Stirling, Bryan

Subject: Conference Call
Location: MeetingPlace: 8037269796 ID: 1764

Start: Fri 11/2/2012 12:00 AM
End: Sat 11/3/2012 12:00 AM

Recurrence: Daily
Recurrence Pattern: every day

Meeting Status: Not yet responded

Organizer: mpadmin@cio.sc.gov

Join meeting: </a/7412ca4bbbc3aefd21021373a2ae9ba2>

Meeting password: Required

Dial in from your phone:

Meeting ID: 1764

Calling in from Columbia dial 8037269796
Calling in from Greenville dial 8649083279
Calling in from Charleston dial 8437377035

Invitees: Mike Ripple

Stirling, Bryan

From: SC Small Business Chamber of Commerce <sbchamber@scsbc.org>
Sent: Friday, November 02, 2012 4:44 PM
To: Stirling, Bryan
Subject: Re: Problems with D&B

I was dropped twice while I was on hold this afternoon after 3.

From: Stirling, Bryan
Sent: Friday, November 02, 2012 4:33 PM
To: SC Small Business Chamber of Commerce
Subject: RE: Problems with D&B

They have double checked the call in the number and say that no was is getting knocked off at this point.

From: SC Small Business Chamber of Commerce [<mailto:sbchamber@scsbc.org>]
Sent: Friday, November 02, 2012 4:31 PM
To: Stirling, Bryan
Subject: Re: Problems with D&B

Thanks. I'll check it out.

From: Stirling, Bryan
Sent: Friday, November 02, 2012 4:28 PM
To: SC Small Business Chamber of Commerce
Subject: RE: Problems with D&B

From D and B:

There is a link right below the login for new users to Register. They are making this link more obvious ASAP. Thank you for the heads up.

From: SC Small Business Chamber of Commerce [<mailto:sbchamber@scsbc.org>]
Sent: Friday, November 02, 2012 3:25 PM
To: Stirling, Bryan
Subject: Problems with D&B

Bryan,

I am finding the D&B site to be difficult to negotiate and the toll free number dropped me twice when I tried to get some help.

The online registration is confusing because it asks you for your email AND a password. Of course, since none of our businesses have registered before, the request for a password will be confusing. I did click on the "forgot your password?" and was taken to a page with a temporary password. So I used that which took me to a page to create a new password. That worked. But the next page says to purchase products with no listing of the D&B CreditAlert service. So I have no idea if I'm signed up or not.

Please let me know if we can get this straightened out. We notified all our members to sign up so I don't like it when it doesn't work.

Thanks,

Frank

Stirling, Bryan

From: Jeff Stibel <jstibel@dandb.com>
Sent: Friday, November 02, 2012 4:31 PM
To: Stirling, Bryan; Aaron Stibel
Cc: Judy Hackett
Subject: Re: SC

Regarding the phone number, we have tested it for the past 20 minutes and we are not finding any dropped calls. We have added Credit Advisors and bandwidth. That said, please let us know anytime you hear of a potential issue and we will track it down.

Jeffrey M. Stibel
Chairman and CEO

Dun & Bradstreet
CREDIBILITY CORP



www.DandB.com

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From: <Stirling>, Bryan <BryanStirling@gov.sc.gov>
Date: Friday, November 2, 2012 1:27 PM
To: Aaron Stibel <astibel@dandb.com>, Jeff Stibel <jstibel@dandb.com>
Cc: Judy Hackett <jhackett@dandb.com>
Subject: RE: SC

Thank you.

From: Aaron Stibel [<mailto:astibel@dandb.com>]
Sent: Friday, November 02, 2012 4:26 PM
To: Jeff Stibel; Stirling, Bryan
Cc: Judy Hackett
Subject: RE: SC

Bryan:

To follow up on Jeff's email. This is a flow for both new users and current users. There is a link right below the login for new users to Register. I can see how that can be confusing, we will make it more obvious ASAP.

Thanks,
-Aaron

From: Jeff Stibel
Sent: Friday, November 02, 2012 12:53 PM
To: Stirling, Bryan

Cc: Judy Hackett; Aaron Stibel

Subject: Re: SC

Thanks Bryan. We will dig in ASAP and make sure we work on this. Just so you (and Frank) knows, we worked around the clock to provide SC with a free offer and have never done that before. As a result, there are some system anomalies such as normally we have paying customers who have a username and password. That said, it is all just messaging changes because you can sign up for free to get the username and password so I suspect it is just poorly worded given how quickly it went up. We will get all over this.

Jeff

Jeffrey M. Stibel
Chairman and CEO



www.DandB.com

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From: <Stirling>, Bryan <BryanStirling@gov.sc.gov>

Date: Friday, November 2, 2012 12:42 PM

To: Jeff Stibel <jstibel@dandb.com>

Cc: Judy Hackett <jhackett@dandb.com>, Aaron Stibel <astibel@dandb.com>

Subject: RE: SC

This is from the Small Business Chamber, can ya'll help?

Bryan,

I am finding the D&B site to be difficult to negotiate and the toll free number dropped me twice when I tried to get some help.

The online registration is confusing because it asks you for your email AND a password. Of course, since none of our businesses have registered before, the request for a password will be confusing. I did click on the "forgot your password?" and was taken to a page with a temporary password. So I used that which took me to a page to create a new password. That worked. But the next page says to purchase products with no listing of the D&B CreditAlert service. So I have no idea if I'm signed up or not.

Please let me know if we can get this straightened out. We notified all our members to sign up so I don't like it when it doesn't work.

Thanks,

Frank

From: Jeff Stibel [<mailto:jstibel@dandb.com>]

Sent: Wednesday, October 31, 2012 6:16 PM

To: Stirling, Bryan

Cc: Judy Hackett; Aaron Stibel

Subject: Re: SC

No problem Bryan. To fully clarify, "for life" is a bit vague so we should be sure that it is life of the product (i.e., we could be out of business in 200 yrs and I can't imagine that product being live then in any event). I just want to make sure no one is seeming disingenuous. But in the spirit of our conversation, our goal is to help these businesses out long term until this problem is resolved.

Best,

Jeff

On Oct 31, 2012, at 3:09 PM, "Stirling, Bryan" <BryanStirling@gov.sc.gov> wrote:

Thank you for doing this for life.

That's what we told the press.

From: Judy Hackett [<mailto:jhackett@dandb.com>]

Sent: Wednesday, October 31, 2012 6:02 PM

To: Stirling, Bryan; Jeff Stibel; Aaron Stibel

Subject: RE: SC

We can certainly do this for the life of the product. Offering anything for life is an odd thing because we could be talking about 100 years. It might be better for you to come up with a reasonable amount of time. Let us know either way.

Judy Hackett
Chief Marketing Officer
Dun & Bradstreet Credibility Corp
22761 Pacific Coast Highway
Malibu, CA 90265
O: 310-919-2233
C: 770-337-4869
F: 310-919-2948
www.DandB.com

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From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]

Sent: Wednesday, October 31, 2012 2:54 PM

To: Judy Hackett; Jeff Stibel; Aaron Stibel

Subject: RE: SC

I recall someone saying on the phone with the governor that it was for life. Came someone please verify this? We told the press that.

From: Judy Hackett [<mailto:jhackett@dandb.com>]
Sent: Wednesday, October 31, 2012 5:52 PM
To: Stirling, Bryan; Jeff Stibel; Aaron Stibel
Subject: RE: SC

This is a product we typically charge monthly annually for. Our thinking was that the right amount of time was a year or so. Thoughts?

Judy Hackett
Chief Marketing Officer
Dun & Bradstreet Credibility Corp
22761 Pacific Coast Highway
Malibu, CA 90265
O: 310-919-2233
C: 770-337-4869
F: 310-919-2948
www.DandB.com

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From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Wednesday, October 31, 2012 2:49 PM
To: Jeff Stibel; Aaron Stibel
Cc: Judy Hackett
Subject: Re: SC

If this a for life product? So if I was a SC business would I get this product for life?

From: Jeff Stibel [<mailto:jstibel@dandb.com>]
Sent: Wednesday, October 31, 2012 04:37 PM
To: Aaron Stibel <astibel@dandb.com>
Cc: Stirling, Bryan; Judy Hackett <jhackett@dandb.com>
Subject: Re: SC

Great. They are in the middle of the announcement now. Be sure to send them a note when the link is live with the URL as a reminder.

On Oct 31, 2012, at 1:35 PM, "Aaron Stibel" <astibel@dandb.com> wrote:

Team:

We will have a simple SC Coming Soon page up on DandB.com/SC in the next few moments.

We can change this page; I just didn't want the Governor's office to announce something without at least a Coming Soon page up.

This page will be replaced with the actual offer page tomorrow night.

-Aaron

Aaron Stibel
SVP, Technology
astibel@dandb.com
(310) 919 - 2214

<image001.jpg>

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From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Wednesday, October 31, 2012 1:08 PM
To: Jeff Stibel
Cc: Judy Hackett; Aaron Stibel
Subject: RE: SC

Thank you very much!

From: Jeff Stibel [<mailto:jstibel@dandb.com>]
Sent: Wednesday, October 31, 2012 4:08 PM
To: Stirling, Bryan
Cc: Judy Hackett; Aaron Stibel
Subject: Re: SC

Thanks Bryan - confirmed and approved.

On Oct 31, 2012, at 1:05 PM, "Stirling, Bryan" <BryanStirling@gov.sc.gov> wrote:

As we discussed we'd like this Credit Alert to be available to any business that has filed a tax return from 1998 to the breach date with SC. Please approve, thank you.

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on the contents of this information; and delete it from your system. Any other use of this e-mail is prohibited. Thank you.

Stirling, Bryan

From: SC Small Business Chamber of Commerce <sbchamber@scsbc.org>
Sent: Friday, November 02, 2012 4:29 PM
To: Stirling, Bryan
Subject: Re: Problems with D&B

Will they let you know when it is done? I need to go back to our members as soon as possible with the info.

From: Stirling, Bryan
Sent: Friday, November 02, 2012 3:59 PM
To: SC Small Business Chamber of Commerce
Subject: RE: Problems with D&B

They are working on updating the site as we speak. You should see changes soon.

From: SC Small Business Chamber of Commerce [mailto:sbchamber@scsbc.org]
Sent: Friday, November 02, 2012 3:25 PM
To: Stirling, Bryan
Subject: Problems with D&B

Bryan,

I am finding the D&B site to be difficult to negotiate and the toll free number dropped me twice when I tried to get some help.

The online registration is confusing because it asks you for your email AND a password. Of course, since none of our businesses have registered before, the request for a password will be confusing. I did click on the "forgot your password?" and was taken to a page with a temporary password. So I used that which took me to a page to create a new password. That worked. But the next page says to purchase products with no listing of the D&B CreditAlert service. So I have no idea if I'm signed up or not.

Please let me know if we can get this straightened out. We notified all our members to sign up so I don't like it when it doesn't work.

Thanks,
Frank

Stirling, Bryan

From: Glaccum, David (L. Graham) <David_Glaccum@lgraham.senate.gov>
Sent: Friday, November 02, 2012 4:09 PM
To: Stirling, Bryan
Subject: FW: Timeline?

David M. Glaccum
Deputy Counsel
Office of Senator Lindsey Graham

-----Original Message-----

From: Hicken, Joseph F CIV OSD LA [mailto:Joseph.Hicken@osd.mil]
Sent: Friday, November 02, 2012 4:08 PM
To: Glaccum, David (L. Graham)
Subject: RE: Timeline?

Still tracking this David, I said I'd bring this to acting USD(P&R) if I wasn't able to get action on this at the staff level. Will be in touch.

v/r,
Joe

Joe Hicken
Office of the Assistant Secretary of Defense for Legislative Affairs
Direct: 703.614.2865

-----Original Message-----

From: Glaccum, David (L. Graham) [mailto:David_Glaccum@lgraham.senate.gov]
Sent: Friday, November 02, 2012 8:56 AM
To: Hicken, Joseph F CIV OSD LA
Subject: RE: Timeline?

Joe,

Thanks for getting back to me so quickly. I have relayed what you wrote down to the State. Thank you.

DMG

David M. Glaccum
Deputy Counsel
Office of Senator Lindsey Graham

-----Original Message-----

From: Hicken, Joseph F CIV OSD LA [mailto:Joseph.Hicken@osd.mil]
Sent: Thursday, November 01, 2012 5:54 PM

To: Glaccum, David (L. Graham); Miller, Andrea LtCol OSD LA
Subject: RE: Timeline?

David, we're working it. Problem is that we don't have an automatic instrumentality to reach out to SC domiciled personnel who are deployed (in general), and let them know their information has been compromised by the state, from the OSD level. Trying to get folks to work out a creative solution.

v/r,
Joe

Joe Hicken
Office of the Assistant Secretary of Defense for Legislative Affairs
Direct: 703.614.2865

-----Original Message-----

From: Glaccum, David (L. Graham) [mailto:David_Glaccum@lgraham.senate.gov]
Sent: Thursday, November 01, 2012 5:12 PM
To: Hicken, Joseph F CIV OSD LA; Miller, Andrea LtCol OSD LA
Subject: Timeline?

Thank y'all again for the assistance in this matter. Would y'all be able to offer a timeline of when someone will be in contact with Bryan at the Governor's office? The sooner the better. He wants to start up a dialogue ASAP so they can begin to develop a plan. Thank you.

DMG

David M. Glaccum

Deputy Counsel

Senator Lindsey O. Graham

290 Russell Senate Office Building

Washington, DC 20510

202-224-5972

Description: S:\IT Stuff\GRAHAMicons_files\image002.jpg <<http://twitter.com/GrahamBlog>> Description: S:\IT Stuff\GRAHAMicons_files\image004.jpg <<http://www.facebook.com/USSenatorLindseyGraham>> Description: S:\IT Stuff\GRAHAMicons_files\image006.jpg <<http://www.youtube.com/user/USSenLindseyGraham>> Description: S:\IT Stuff\GRAHAMicons_files\image008.jpg <<http://lgraham.senate.gov/public>>

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Sunday, November 04, 2012 4:29 PM
To: Stirling, Bryan; Ozzie Fonseca; 'Jon.Neiditz@nelsonmullins.com'
Cc: Michael Bruemmer
Subject: RE: Friday's numbers

Activations - 630,000

Calls to date - 699,000

Wait time - 9.75 minutes

Greg Young, APR
Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

-----Original Message-----

From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Sunday, November 04, 2012 1:05 PM
To: Ozzie Fonseca; 'Jon.Neiditz@nelsonmullins.com'
Cc: Greg Young; Michael Bruemmer
Subject: Re: Friday's numbers

Need today's numbers, thank you.

----- Original Message -----

From: Ozzie Fonseca [<mailto:ofonseca@experianinteractive.com>]
Sent: Saturday, November 03, 2012 02:13 PM
To: Stirling, Bryan; Jon Neiditz <Jon.Neiditz@nelsonmullins.com>
Cc: Greg Young <Greg.Young@experianinteractive.com>; Michael Bruemmer <Michael.Bruemmer@experianinteractive.com>
Subject: Friday's numbers

Activations - 596,000

Calls to date - 686,000

Wait time - 8.5 minutes

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution

Experian Consumer Services
535 Anton, Suite 100. Costa Mesa, CA 92626
(949) 567-3851 - Desk
(949) 302-2299 - Cell
(949) 242-2938 - Fax
ozzie.fonseca@experian.com<mailto:ozzie.fonseca@experian.com><mailto:ozzie.fonseca@experian.com>

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Stirling, Bryan

From: Ozzie Fonseca <ofonseca@experianinteractive.com>
Sent: Saturday, November 03, 2012 3:14 PM
To: Stirling, Bryan; Jon Neiditz
Cc: Greg Young; Michael Bruemmer
Subject: Friday's numbers

Activations - 596,000

Calls to date - 686,000

Wait time - 8.5 minutes

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution

Experian Consumer Services
535 Anton, Suite 100. Costa Mesa, CA 92626
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ozzie.fonseca@experian.com<<mailto:ozzie.fonseca@experian.com>><<mailto:ozzie.fonseca@experian.com>>

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Stirling, Bryan

From: SC Small Business Chamber of Commerce <sbchamber@scsbc.org>
Sent: Saturday, November 03, 2012 1:14 PM
To: Stirling, Bryan
Subject: Re: Website

Bryan,

Everything at D&B is working well now. I got through to the operator and walked through the steps. I did see the instructions at the bottom of the sign-in page telling you how to register for a new account. Thanks for helping with this.

I still am very concerned about the serious threat to checking accounts that cannot be protected with D&B or Experian. We are recommending that business checking accounts be closed and new ones opened--the only 100% guarantee of protection against the hackers withdrawing money from the accounts. Since most financial institution will do this at no charge, the only hard cost is for new checks. Actually, my wife and I are going to do this for our personal checking account also since it too was involved. It would be good if the Governor didn't down play the potential risk of international thieves possessing the routing and checking account numbers of businesses. It is not like handing over a check to a grocery store with which you have a personal business relationship and expectation that your information will be secure. While the funds would be reinstated to your account eventually if fraudulently taken, there are serious negative consequences (as you may know) to a business or individual when account balances are not what they should be at any given time and not having access to those funds for some time.

Thanks,
Frank

-----Original Message-----

From: Stirling, Bryan
Sent: Friday, November 02, 2012 6:58 PM
To: 'sbchamber@scsbc.org'
Subject: Website

Please keep me updated with additional suggestions, thank you.=

Stirling, Bryan

From: BIERBAUER, CHARLES <BIERBAU@mailbox.sc.edu>
Sent: Saturday, November 03, 2012 9:24 AM
To: Stirling, Bryan
Subject: RE: ETV's "Big Picture"

Always are. Thanks.

From: Stirling, Bryan [BryanStirling@gov.sc.gov]
Sent: Saturday, November 03, 2012 9:23 AM
To: BIERBAUER, CHARLES
Subject: Re: ETV's "Big Picture"

I will check. Things are busy.

From: BIERBAUER, CHARLES [<mailto:BIERBAU@mailbox.sc.edu>]
Sent: Saturday, November 03, 2012 09:02 AM
To: Stirling, Bryan
Subject: ETV's "Big Picture"

Bryan:

ETV's "Big Picture" will look at the hacking of state records and how people can best protect themselves in this week's show. We'd very much like to have Governor Haley participate in the discussion.

I know Tom Posey has been in touch with Rob about this, but thought I might also touch base with you. I've been asked to moderate this week's show, as I do from time to time while ETV searches for a permanent host.

The show usually is taped on Wednesday for airing Thursday, but I know the producers would work with the governor's schedule. Posey and Aimee Crouch are the ETV folks in charge. But you can also reach me if you have any questions.

Hope you're enjoying the new job.

Charles

Stirling, Bryan

From: BIERBAUER, CHARLES <BIERBAU@mailbox.sc.edu>
Sent: Saturday, November 03, 2012 9:02 AM
To: Stirling, Bryan
Subject: ETV's "Big Picture"

Bryan:

ETV's "Big Picture" will look at the hacking of state records and how people can best protect themselves in this week's show. We'd very much like to have Governor Haley participate in the discussion.

I know Tom Posey has been in touch with Rob about this, but thought I might also touch base with you. I've been asked to moderate this week's show, as I do from time to time while ETV searches for a permanent host.

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Hope you're enjoying the new job.

Charles

Stirling, Bryan

From: Perry, Richard (L. Graham) <Richard_Perry@lgraham.senate.gov>
Sent: Friday, November 02, 2012 6:15 PM
To: Stirling, Bryan
Subject: FW: EIN issue

Bryan—

This is good news—news you may already know.

Richard S. Perry
Chief of Staff
Office of Senator Lindsey Graham
202-224-5972
202-224-3808 (fax)



From: Barre Catherine M [mailto:Catherine.M.Barre@irs.gov]
Sent: Friday, November 02, 2012 2:21 PM
To: Perry, Richard (L. Graham)
Subject: EIN issue

Richard-

Good news. IRS folks have done a rapid response on the Senator's request. I expect the best communication channel for the details to be between our operations side and the SCDOR – I understand that they are already in close contact on multiple issues.

The upshot (which I expect them to coordinate next week with the SCDOR) is that the IRS will work with the SCDOR to determine the appropriate way to communicate information to business taxpayers who want to understand if they need a new EIN and, if so, how to get one.

The IRS will establish a special toll free line to assist South Carolina businesses who are considering applying for a new EIN. It is our hope that the new line will be operational next week.

As we have discussed, while the IRS is able to issue a new Employer Identification Number (EIN), there are some important issues businesses should consider:

- In many instances, EINs are already in the public domain. For example, the business EIN, name and address is on Forms W-2 issued to employees. The EIN is given to vendors when making payments. For corporations with publicly-traded stock, the EIN is available from the Securities and Exchange Commission. Finally, the EIN of a 501(c) charitable organization is a matter of public record.
- Once a new EIN is issued it becomes effective immediately.
- Businesses may need to provide their updated EIN to third parties such as Powers of Attorney, Certified Public Accountants, financial institutions, and other State and Federal Agencies.

The new toll free line will be routed to an assistor trained in handling Employer Identification Number (EIN) issues and questions.

Please do not hesitate to reach out if I can be of further assistance.

Best,

Cathy
622-7039

Stirling, Bryan

From: Matthew T. Richardson <MRichardson@wyche.com>
Sent: Sunday, November 04, 2012 6:35 PM
To: Stirling, Bryan
Subject: State of South Carolina Data Breach
Attachments: Cyber governmental investigations-c.pdf; Sotto, Lisa J.pdf.pdf-c.pdf; Bracken, Larry.pdf.pdf-c.pdf; Delionado, John.pdf.pdf-c.pdf; Simpson, Aaron P.pdf.pdf-c.pdf

Dear Bryan,

I hope you are well. This recent tragedy is tough for the State and many of our citizens.

I wanted to share with you a contact from Atlanta with “the top law firm globally for privacy and data security.” I encourage you or Swati to contact Larry Bracken at Hunton & Williams with any questions. See below and attached for more information and his contacts.

Of course, I would be happy to arrange for their team to come make a presentation to the appropriate decisionmakers.

Most respectfully,
Matthew Richardson



Matthew T. Richardson | Wyche

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From: Bracken, Larry [<mailto:lbracken@hunton.com>]
Sent: Thursday, November 01, 2012 2:31 PM
To: Matthew T. Richardson
Subject: State of South Carolina Data Breach

Matthew,

Thanks for discussing this matter with me today; it was good to catch up with you. I’ve included in this email below and in the attachments (practice description and partner bios) certain information about our Cybersecurity Risk Management and Investigations Practice. If you think there may be an opportunity for our firms to work together to assist the State, please let me know. Following is a description of our practice.

Cybersecurity Risk Management and Investigations Practice – Our firm is one of the most experienced and knowledgeable in the world in the investigation, remediation, and litigation of matters arising from cyber and information security incidents. Since California’s security breach notification law became effective in 2003, we have assisted our clients with more than 800 data breaches worldwide. We assist our clients with every aspect of an information security event, including (i) directing incident investigations, (ii) retaining and overseeing cyber security consultants, (iii) mitigating the financial loss or loss of confidential information and data, (iv) coordinating notification to affected individuals, (v) establishing relationships with credit bureaus, (vi) setting up call centers and training call center personnel, (v) negotiating with the payment card brands, (vii) preparing for litigation, including advising

on retention obligations, (viii) engaging with law enforcement officials and other government (federal and state) regulators, and (ix) defending resulting enforcement actions and litigation. We regularly serve as liaisons to the U.S. Secret Service, FBI, U.S. Department of Justice, Federal Trade Commission and State Attorneys General on behalf of our clients in these matters. Our lawyers have represented clients throughout the country in federal and state courts, before regulatory agencies, and in alternative dispute resolution proceedings in cases arising out of data security events asserted by regulators, consumers, our clients' business partners, and other parties. Our experience assisting clients with highly complex, large-scale security breaches is unmatched.

Our multi-disciplinary team is frequently involved immediately after a data breach or hacking incident to help a client evaluate and manage all aspects of the event, often with our lawyers leading the investigation, coordinating notification to affected individuals and other public notification efforts, and coordinating the incident response. The team also advises the client concerning compliance with privacy laws and other relevant laws and regulations, both in the U.S. and in foreign countries. Our privacy practice is a leader in its field and has been ranked by Computerworld magazine, a survey of more than 4,000 corporate leaders, for the fourth consecutive year as the top law firm globally for privacy and data security. In addition, Chambers and Partners has recognized the preeminence of Hunton & Williams' Privacy and Data Security practice in its Chambers Global and Chambers USA guides, identifying the firm in "Band 1" for Privacy and Data Security.

Thanks again.

-- Larry Bracken

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	Lawrence J. Bracken II		
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Cyber and Governmental Investigations Practice



Hunton & Williams LLP has the knowledge and experience necessary to represent clients in the assessment, investigation and litigation of matters arising from information security and data breach incidents, and the management, use and protection of personal, financial, and health information. Since California's security breach notification law became effective in 2003, we have assisted our clients with more than 800 data breaches worldwide. We assist our clients with every aspect of an information security event, including (i) running incident investigations, (ii) retaining and overseeing cyber security consultants, (iii) mitigating the financial loss or loss of confidential information and data, (iv) preparing for litigation, including advising on retention obligations, (v) engaging with law enforcement officials and other government (federal and state) regulators, and (vi) defending resulting enforcement actions and litigation. We regularly serve as liaisons to the U.S. Secret Service, FBI, U.S. Department of Justice, Federal Trade Commission and State Attorneys General on behalf of our clients in these matters. Our lawyers have represented clients throughout the country in federal and state courts, before regulatory agencies, and in alternative dispute resolution proceedings in cases arising out of data security events asserted by regulators, consumers, our clients' business partners, and other parties. Our experience assisting clients with highly complex, large-scale security breaches is unmatched.

Our litigators work as part of a multi-disciplinary team that is frequently involved immediately after a data breach or hacking incident to help a client evaluate and manage all aspects of the event, often with our lawyers leading the investigation, coordinating notification to affected individuals and other aspects of public notification, and coordination of the incident response. Information security matters implicate multiple risks and response issues. Because of that complexity, we represent our clients with an interdisciplinary and coordinated team that includes not only members of our Privacy and Data Security practice and our Homeland Security practice, but also, as appropriate, lawyers from our securities, health care, financial institutions, corporate governance, white collar, First Amendment, commercial litigation and class action practice groups.

Our clients are diverse, and the issues often are cutting-edge. Hunton & Williams has had the privilege of representing many of the leading companies in the United States in matters involving the Computer Fraud and Abuse Act, the Stored Communications Act, HIPAA, unfair and deceptive trade practices acts and common law claims. Following is a sample of the matters we have handled:

- We represented a financial institution client that was victimized by a sophisticated international organized crime ring, which breached the client's network and perpetrated a large-scale theft utilizing the ATM network. We led

the investigation of the cyber intrusion, worked with United States and international law enforcement agencies, managed communications with financial institution regulators, assisted the client to assess and respond to litigation risks from customers and other third parties, and defended the client against ensuing class actions.

- We assisted a large health care plan with a data security incident involving the company's insureds in one of the largest HITECH breaches to date. The firm assisted the company with its response to the breach, including the forensic investigation, and advised on compliance with relevant regulatory obligations, such as notification to affected individuals, media outlets and state agencies. The firm also managed interactions with state regulators and is defending the class action litigation resulting from this incident.
- We are representing a retail merchant client in all aspects of a significant Point of Sale data breach, including notification to affected individuals, media outlets and state agencies, as well as an FTC investigation and interactions with law enforcement authorities. We are defending the company in class action litigation and have obtained dismissal of significant federal claims.
- We are advising a Fortune 100 company with an issue relating to the collection and transmittal of health information and conflict of law issues involving more than 25 countries across 4 continents.
- We represented *IMS Health in Sorrell v. IMS Health Inc.*, 131 S. Ct. 1653 (June 23, 2011), which invalidated on First Amendment grounds a Vermont law that prohibited pharmacies and similar entities from selling or using, for marketing, information they learn about doctors' prescribing practices from prescriptions they fill. The Court evaluated the law as a restriction on commercial speech.
- We provided a retailer with privacy and data security advice concerning claims that arose from a significant skimming incident in which there was the compromise of payment cards. We also managed state and federal government investigations and federal law enforcement cooperative activities.
- We have advised several clients, including some of the largest financial institutions and energy companies in the world, in their preparation for offensive and defensive litigation arising from the theft of highly confidential business records and intellectual property.
- We have counseled multiple clients in cyber-extortion matters and other incidents where our clients have been criminally victimized and coordinated with law enforcement on behalf of our clients in such matters.



Lawrence J. Bracken II
Partner

PRACTICES

Class Action, Multidistrict
Litigation
Commercial Litigation
Insurance Litigation and
Counseling
Financial Services Litigation
Data Breach

CONTACT

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New York

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EDUCATION

JD, University of Virginia
School of Law, 1985

BA, University of Virginia, with
high distinction, 1981

BAR ADMISSIONS

Georgia

New York

Virginia

Larry Bracken has more than 25 years of experience in class action, computer technology, insurance coverage and commercial litigation matters.

Larry has represented clients in federal and state courts throughout the United States in a broad range of cases, particularly the defense of class actions and other cases involving allegations of unfair and deceptive trade practices, alleged violations of business statutes and regulations, related business torts, and complex contract disputes. Larry also has extensive experience representing computer technology providers and other companies in internal investigations, alternative dispute resolution and litigation involving privacy and data breach issues, license agreements, alleged misappropriation of trade secrets, and technology outsourcing agreements. His clients include major banks and commercial lenders, consumer finance companies and other businesses in the financial services industry, providers and purchasers of technology products and services, retailers, electric utilities and municipalities.

In addition, Larry has negotiated, arbitrated and litigated more than 350 insurance coverage matters involving general and excess liability, D&O liability, E&O, technology E&O, property, business interruption/time element, pollution liability, inland marine, and other insurance coverage matters.

Larry has served as a faculty member and lecturer at conferences concerning a wide range of topics such as consumer fraud claims, insurance coverage and environmental law.

Larry is admitted to practice before the U.S. Courts of Appeals for the Fourth, Ninth and Eleventh Circuits, the U.S. District Courts for the Northern and Middle Districts of Georgia, and the U.S. District Courts for the Eastern and Western Districts of Virginia. After earning his law degree, he served as a law clerk for the Honorable D. Dortch Warriner of the U.S. District Court for the Eastern District of Virginia.

Relevant Experience

- Class action practice concentrates on the defense of unfair trade practice/false advertising claims, consumer class actions, and privacy and data breach claims.
- Represents banks, consumer lending and servicing companies, and mortgage lenders in class actions and other civil litigation involving

allegations of unfair and deceptive trade practices, fraud, wrongful foreclosure, fraudulent transfers, and violations of federal statutes such as the Truth in Lending Act, Real Estate Settlement Procedures Act, and the Fair Debt Collection Practices Act.

- Represents clients in internal investigations and related litigation involving allegations of trade secret misappropriation (often including alleged breach of confidentiality or non-disclosure terms), privacy and data security issues, alleged breaches of consumer lender and other consumer protection laws, and claims of fraud and other commercial torts. Clients have included software development companies, other technology companies, manufacturing companies, international banks, consumer lenders and other clients. Also advises clients in the investigation and legal response to such issues prior to litigation.
- Defended suit alleging misappropriation of trade secrets by global software development company in the development of health insurance claims software. Led external legal team that assisted client's General Counsel in the internal investigation of the allegations. Investigation involved interviews of hundreds of witnesses and the analysis of more than 5 million documents and software development data, as well as coordination with multiple experts. Negotiated successful settlement of related litigation for client.
- Represented major payment processor in data breach class action. Case resolved favorably for client prior to discovery and after all but a single count of the complaint were dismissed on motions. The matter involved issues of first impression concerning standing and substantive causes of action.
- After cyber intrusion at major payment processor client, advised client concerning risk mitigation procedures and preparation for potential litigation claims by customers and consumers.
- Defending national homebuilder and affiliated mortgage company in defense of purported nationwide class action asserting violations of California Business & Professions Code §§ 17200 and 17500, as well as common law causes of action, alleging a scheme to increase home sale prices through improper practices and nondisclosures in brokering and arranging subprime mortgages.
- Representing nation's largest residential mortgage lender in class action seeking statutory damages for alleged failures to cancel mortgage instruments within statutory period.
- Represented national mortgage lender in putative class action seeking refunds of closing fees and charges that allegedly exceeded limits allowed under state law, resulting in favorable settlement after District Court granted motion for summary judgment on all counts.
- Represented Fortune 50 company in a 226,000-member consumer class action in which plaintiff alleged false advertising and violation of unfair trade practices statutes. Obtained defense verdict after a three-week trial.

- Represented Fortune 50 company in multiple consumer class actions in nine different jurisdictions, involving allegations of unfair trade practices in the advertising and sale of consumer electronics and computer products.
- Represented a major subprime mortgage lending company in a series of predatory lending class actions alleging violation of state unfair trade practice and usury laws.
- Represented clients in more than 75 environmental litigation matters, involving claims asserted under CERCLA, RCRA, Clean Water Act, Oil Pollution Act of 1990 and other federal environmental statutes, as well as related state statutes and common law.
- Represented nation's largest petroleum pipeline company in defense of riparian landowners' claims for property damage resulting from spill of fuel oil from pipeline. Obtained favorable settlement for company.

Memberships

- Member, American Bar Association
- Member, Defense Research Institute
- Member, Georgia State Bar Disciplinary Rules and Procedures Committee, 2008-11
- Master, Bleckley Inn of the American Inns of Court

Publications

- Co-author, Arbitration Agreements and Class Action Waivers - Practical Steps In An Uncertain Landscape, *The United States Law Week*, 80 U.S.L.W. 1649, May 29, 2012
- Co-author, Practical Advice in a Changing Landscape: Exhaustion of Underlying Limits and Resolving Coverage Issues Under a Multilayer D&O Insurance Program, *Financier Worldwide*, June 2009
- Co-author, AAA Releases Rules on the Administration of Class Actions, *ABA Franchise Law Journal*, May 26, 2004
- Co-author, *Georgia Environmental Law Handbook* (Insurance Coverage), 1997, 2003, 2007

Events

- Panelist, *Claims, Crises, Unexpected Issues and the Benefit of Hindsight in the Boardroom*, Executive Edge Conference, San Antonio, May 3, 2012
- Faculty Member and Lecturer, ACI Subprime Litigation Conference
- Program Co-Chair and Lecturer, Insurance Law Institute
- Speaker, *Consumer Fraud Claims*, Product Liability Advisory Council
- Faculty Member and Lecturer, *Fundamentals of Georgia Environmental Law*

- Faculty Member and Lecturer, 16th Annual Insurance Law Institute, *Insurance Coverage for Environmental Claims*

Awards & Recognition

- Named Best Lawyer, Insurance Law, *The Best Lawyers in America*, 2012
- Named Best Lawyer, Litigation – Banking & Finance, *The Best Lawyers in America*, 2012
- Listed in *Chambers USA Client's Guide*, Litigation, 2008 - 2012
- Named a Civil Litigation Defense Super Lawyer, *Atlanta Magazine* and *Georgia Super Lawyers magazine*[®], 2005 - 2012



Aaron P. Simpson
Partner

PRACTICES

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EDUCATION

JD, University of Virginia
School of Law, 2002
BA, University of Texas, *High
Honors*, 1997

BAR ADMISSIONS

New York

BLOGS

Privacy & Information Security
Law Blog

Aaron's practice focuses on complex privacy and data security matters.

Aaron advises clients on a broad range of complex privacy and data security matters, including state, federal and international privacy and data security requirements as well as the remediation of large-scale data security incidents. He helps clients identify, evaluate and manage risks associated with their collection and use of information.

Aaron is well known as a top privacy professional and has been recognized by *New York Super Lawyers*, *Computerworld* and the Legal 500 for his work on behalf of clients. He is a sought-after media resource on privacy issues and has been quoted in publications such as *Bloomberg*, *Businessweek Magazine* and *DataGuidance*. Aaron regularly speaks before industry groups, legal organizations, government agencies and educational institutions at conferences, seminars, roundtables and webinars. In addition, Aaron lectures on privacy and information security at Columbia University. He has written and co-written numerous articles, book chapters and handbooks on privacy and information security issues.

Relevant Experience

- Advises clients with respect to U.S. and international privacy and information security requirements, including GLB, HIPAA, CAN-SPAM, COPPA, state information security laws, the PCI Data Security Standard, and EU Directives governing general data protection, e-commerce and data retention.
- Advises clients on all legal issues associated with information security breach events pursuant to requirements imposed by state law, the HITECH Act, Interagency Guidance and international law.
- Advises clients on international data protection issues, including developing mechanisms to comply with data transfer requirements.
- Prepares online and offline privacy and information security policies, procedures and notices for clients.
- Assists clients with the development of full-scale records management programs, including records-retention schedules.

Memberships

- The Association of the Bar of the City of New York
- Former member, Information Technology Law Committee

Publications

- Co-author, *The Shifting Sands of Data Protection and Resulting Privacy Pitfalls*, *State Bar of Texas – 10th Annual Advanced In-House Counsel*

Course, July 2011

- Co-author, White House Proposes Cybersecurity Legislation, *Bloomberg Technology Law Reporter*, May 31, 2011
- Co-author, Comment: Data Protection Outlook for 2011: A Global Discussion, *Data Protection Law & Policy*, January 2011
- Contributing Author, Privacy and Data Security Law Deskbook, *Aspen Publishers*, July 2010
- Co-author, Emerging Privacy Issues in Bankruptcy, *New York Law Journal*, June 10, 2010
- Co-author, Preservation and Monitoring of Corporate Messaging, *New York Law Journal*, November 11, 2009
- Co-author, Proposed HHS Guidance on HITECH Act Breach Notice Obligations, *Privacy Law Watch* and *BNA Privacy & Security Law Report*, April 27, 2009
- Co-author, The Stimulus Package and Health Privacy Breaches, *Lawdragon*, February 2009
- Co-author, European Union Data Protection, Chapter 11 in *West's Data Security and Privacy Law: Combating Cyberthreats*, 2008
- Co-author, Surviving an FTC Investigation After a Data Breach, *New York Law Journal*, September 18, 2008
- Co-author, Data Security Handbook, ABA Section of Antitrust Law, *Data Security Handbook*, 2008

Events

- ABA Privacy and Information Security Committee Monthly Update, June 5, 2012
- Preparing for a New US Privacy Landscape Webcast, May 24, 2012
- Speaker, Privacy Legislative Update, New York Privacy Officers Forum, December 9, 2011
- Speaker, Online Behavioral Advertising: Emerging Legal Issues, ACI Social Media Business Technology and the Law, New York, NY, October 26, 2011
- Speaker, Data Privacy in a Global Era, CLE Program hosted by Dana Holding Corporation, Toledo, OH, September 13, 2011
- Speaker, Online Behavioral Advertising: Emerging Legal Issues, *Twelfth Annual Institute on Privacy and Data Security Law (PLI)*, New York, NY, June 21, 2011
- Speaker, Privacy Issues in Immigration, American Council on International Personnel (ACIP) 37th Annual Symposium, Arlington, VA, June 9, 2011
- Speaker, Hot Topics in Privacy Law, New York City Bar Association, May 18, 2011
- Lecturer, Privacy and Information Security, Columbia University, April 11, 2011

- Speaker, Cloud Computing: Emerging Privacy and Information Security Considerations, New York Privacy Officers Forum (NYPOF), February 3, 2011
- Speaker, FTC Privacy Report Analysis: Protecting Consumer Privacy in an Era of Rapid Change, Association of Corporate Counsel, January 6, 2011
- Lecturer, Privacy and Information Security, Columbia University, New York, NY, December 6, 2010
- Speaker, Online Behavioral Advertising: Emerging Legal and Business Issues, New York Privacy Officers Forum, November 4, 2010
- Speaker, ABA's Privacy Update Webinar, October 7, 2010
- Speaker, A Practice Legal Guide to Doing Business on the Internet, New York City Bar, September 28, 2010
- Speaker, Privacy, Confidential Information and Intellectual Property, Ethics Compliance Officer Association Law School, September 8, 2010
- Speaker, Privacy Developments in the Workplace, Practising Law Institute, New York, NY, June 22, 2010
- Speaker, Implications of the HITECH Act's Breach Requirements, The Association for Healthcare Risk Management of New York, New York, NY, June 11, 2010
- Speaker, Massachusetts Standards for the Protection of Personal Information: What Your Firm Needs to Know, VigiTrust Roundtable, New York, NY, May 7, 2010
- Panelist, Cybersecurity Regulation, CFO Roundtable, Dallas, TX, April 30, 2010
- Lecturer, Privacy and Information Security, Columbia University, New York, NY, April 26, 2010
- Speaker, Data Privacy in a Global Era, AF&PA General Counsels Resource Committee, Jacksonville, FL, April 22, 2010
- Speaker, The Evolution of Federal and State Privacy Law and the Implication for CIOs, VigiTrust Roundtable, New York, NY, March 17, 2010
- Speaker, Data Security Breaches: The Growing Liability Threat, Crafting and Implementing Policies to Prevent and Respond to Inadvertent Disclosures Webinar, Strafford Publications, February 11, 2010
- Speaker, Privacy Issues in Marketing, InComm Partner Alliance 2010, Miami, FL, January 11, 2010
- Lecturer, Privacy and Information Security, Columbia University, New York, NY, December 7, 2009
- Speaker, ABA's Privacy Update Webinar, October 6, 2009
- Moderator, Suggestions from the States: Designing a Workable Breach Notice Requirement, IAPP Privacy Summit 2009, Boston, MA, September 1, 2009
- Lecturer, Privacy and Information Security, Columbia University, New York, NY, April 13, 2009

- Speaker, Data Breaches: Lessons from EU and U.S. Breaches, *DataGuidance* Webinar, March 19, 2009
- Speaker, ABA's Privacy Update Webinar, December 9, 2008
- Lecturer, Privacy and Information Security, Columbia University, New York, NY, November 24, 2008
- Speaker, Data Privacy in the Global Era, The Home Depot Legal Department, Atlanta, GA, 11/04/08

Awards & Recognition

- Leader in the Field, Nationwide, Privacy & Data Security, Up and Coming, *Chambers USA*, 2012
- Selected as a "Rising Star," *New York Super Lawyers*, 2011
- Leading Lawyer, Data Protection and Privacy, Legal 500 United States, 2010
- Named among the "Best Privacy Advisers," *Computerworld* magazine, 2008



Lisa J. Sotto
Partner

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EDUCATION

JD, University of Pennsylvania
Law School, *Law Review*, 1987
BA, History, Cornell University,
distinction in all subjects, 1984

BAR ADMISSIONS

District of Columbia
New York

BLOGS

Privacy & Information Security
Law Blog

Lisa's practice focuses on privacy, data security and records management.

Lisa is the managing partner of the firm's New York office, and her practice focuses on privacy, data security and records management issues. She assists clients in identifying, evaluating and managing risks associated with privacy and information security practices of companies and third parties. Lisa advises clients on GLB, HIPAA, COPPA, CAN-SPAM, FCRA/FACTA, security breach notification laws, and other U.S. state and federal privacy and data security requirements (including HR rules), and global data protection laws (including those in the EU and Latin America). She conducts all phases of online and offline privacy assessments and information security policy audits. Lisa drafts and negotiates contractual agreements concerning data uses, privacy and security. She also develops corporate records management programs, including policies, procedures, records retention schedules and training modules.

Lisa was rated the "No. 1 privacy expert" for the past three consecutive years by *Computerworld* magazine. She also earned a Band 1 U.S. national ranking for Privacy & Data Security from Chambers and Partners, and was recognized as a leading lawyer by *The Legal 500 United States*. In addition, Hunton & Williams' Privacy and Data Security practice received a Band 1 U.S. national ranking from Chambers USA in Privacy & Data Security and a Tier 1 ranking by *The Legal 500 United States*. Lisa speaks frequently at conferences and seminars, testifies regularly before the U.S. Congress and other legislative and regulatory agencies, is the author of numerous treatises and articles, has been tapped to lead several industry committees and organizations, is sought after by media outlets and industry publications for her professional insights, and appears regularly on national television and radio news programs. She is the editor and lead author of the *Privacy and Data Security Law Deskbook*, published by Aspen Publishers, Wolters Kluwer Law & Business.

Relevant Experience

- Testified before U.S. House of Representatives, "Data Protection and the Consumer: Who Loses When Your Data Takes a Hike?"
- Testified before U.S. Department of Health & Human Services' Subcommittee on Privacy and Confidentiality of the National Committee on Vital and Health Statistics regarding RFID use in health

care.

- Testified before CSIS Commission on Cyber Security for the 44th Presidency.
- Briefed Congressional staffers in preparation for data breach hearings held by the House of Representatives Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, and in connection with drafting of comprehensive privacy bill.
- Requested by U.S. Government Accountability Office to participate in GAO study on data security breaches.
- Requested by U.S. Office of Management and Budget to participate in OMB analysis of DHS Privacy Office.
- Advising multiple clients on FTC, OCR and state Attorney General investigations and enforcement actions for alleged data security violations.
- Advised multiple clients on managing FTC Consent Order and FTC access letters in connection with data security incidents.
- Advising numerous major health care providers and other health plans on all aspects of HITECH security breaches, including OCR and state enforcement.
- Led HITECH Act breach notification effort for one of the largest PHI data breaches (1.2 million individuals).
- Advising two major retailers on security breaches resulting from criminal tampering of POS terminals, including U.S. Secret Service involvement, forensic investigations, all aspects of breach notification and PR efforts.
- Advised Texas State Comptroller in connection with well-known data security incident involving 3.5 million state workers.
- Advised major retailers on well-known data breaches, including managing FTC and Canadian DPA response and investigation, and consumer notification issues.
- Represented global leader in premium lifestyle products in FTC investigation regarding significant data security breach, including U.S. Secret Service involvement.
- Advised over 800 companies (including health care companies, retailers, consumer goods companies, insurers, utilities and industrial manufacturers) on all aspects of information security breaches and developed media and consumer communications programs following breaches.
- Advising numerous multinational clients on Safe Harbor certification and annual recertification.
- Counseled several Web 2.0 companies on data collection and sharing issues, and Safe Harbor certification.

- Counseled major consumer goods companies on privacy issues associated with the use of radio frequency identification (RFID).
- Advising numerous publishers and advertisers on online behavioral advertising issues.
- Advising multiple clients on employee and visitor monitoring and surveillance issues under federal and state laws, and preparing related policies (including personal computing device issues).
- Advising numerous clients on complex cloud computing solutions.
- Advising numerous clients on compliance with Payment Card Industry Data Security Standard and preparation of related policies and procedures.
- Advised multiple clients with FCRA and FACTA compliance.
- Conducted comprehensive privacy and information security policy assessment of major U.S. electric utility.
- Advised client on compliance with the Privacy Act, including preparation of a System of Records Notice and Privacy Impact Assessment, in connection with significant new government mortgage program.
- Conducted full-scale consumer information privacy assessments for one of the world's largest food companies and a Fortune 15 consumer goods company, including extensive data flow mapping, remediation, and development and implementation of multiple privacy, information security and records management policies and procedures.
- Represented leading information provider in developing new, company-wide privacy, credentialing and compliance program.
- Advising numerous clients on privacy requirements under GLB, HIPAA, HITECH and state law, and preparing related documentation.
- Served as HIPAA privacy counsel to large health care system, including over 40 hospitals and long-term care and assisted living facilities, and major academic medical center.
- Prepared HIPAA and HITECH policies and procedures (including training) for numerous employer-sponsored group health plans.
- Developed and implemented comprehensive global records management program in over 100 countries for one of world's largest software companies, including preparation and implementation of policies and procedures, numerous records retention schedules, in-person and web-based training and audit program.
- Outside counsel to leading U.S. mutual fund company, financial services provider and commercial and consumer finance company to develop omnibus records management program.
- Outside counsel to major U.S. government agency on new initiative to develop agency-wide, comprehensive records management program.
- Drafted numerous website Terms of Use.

Books

- Editor and Lead Author, *Privacy and Data Security Law Deskbook* (1,400-page treatise), Aspen Publishers, Wolters Kluwer Law & Business, 2010
- Co-author, Chapter 11 European Union Data Protection, *Data Security and Privacy Law: Combating Cyberthreats*, West, Thomson Reuters, 2008
- Co-author, *Data Security Handbook*, ABA Section of Antitrust Law, 2008
- Co-author, *Privacy Primer: An Overview of Global Data Protection Laws*, 2006

Media Appearances

- Radio Television of Serbia, Data Protection Act Good (English translation) (Sotto interviewed), July 18, 2012
- B92 (Serbian radio and television broadcaster), Careful Sharing Data (English translation) (Sotto interviewed), July 18, 2012
- Interview (podcast), Privacy Bill of Rights: Not Be-All, End-All, Security Media Group, February 24, 2012
- *Law360*, Q&A with Hunton & Williams' Lisa Sotto (Sotto interviewed), November 4, 2011
- KUCI 88.9 FM, Protect Your Privacy in the Information Age (Sotto featured in 30-minute interview), September 19, 2011
- FoxLive.com, Is There Need for a Data Privacy Law? (Sotto interviewed), September 6, 2011
- Bank Information Security Podcasts, Epsilon Breach: Risks and Lessons; Incident is a Wake-Up Call about Database Security Gaps (Sotto interviewed), April 5, 2011
- End to End Trust, Microsoft Corporation, regarding cross industry collaboration and a safer Internet (Sotto interviewed), September 2009
- CNN's American Morning, Privacy in the Obama Administration (Sotto interviewed), December 8, 2008
- ClearChannel Radio, "Tech Talk with Craig Peterson," regarding the use of RFID in health care (Sotto interviewed), March 4, 2006

Memberships

- Chair, U.S. Department of Homeland Security's Data Privacy and Integrity Advisory Committee (2012) appointed by Secretaries Napolitano, Chertoff and Ridge; Chair, Policy Subcommittee, 2010 - present; former Committee Vice chair, 2005 - 2009
- Member, Board of Directors, International Association of Privacy Professionals, 2010 - 2015

- Co-chair, International Privacy Law Committee, New York State Bar Association, 2007 - present
- Chair, New York Privacy Officers Forum, 2007 - present
- Lead Advisor, DataGuidance U.S. Panel of Experts, 2008 - present
- Member, Law and Ethics Advisory Board, SAI Global, 2005 - present

Publications

- FTC's Privacy "Nutrition Label" May Not Fit Complex Data Use (Sotto quoted), *Law360* and *IAPP Daily Dashboard*, October 25, 2012
- "Privacy Bill of Rights" Faces Uncertainty Under Romney Presidency, Observers Say (Sotto quoted), *BNA's Daily Report for Executives*, October 22, 2012, and *Bloomberg BNA Privacy Law Watch*, October 23, 2012
- Firms Push for Privacy Groups as Data Security Realm Heats Up (Sotto quoted), *Law 360*, September 19, 2012
- How to Avoid a Costly Data Breach (Sotto quoted), *Internet Retailer*, September 13, 2012
- In-House Privacy Hiring Boom Shows No Signs of Fading (Sotto quoted), *Law 360*, September 10, 2012
- The Lurking Dangers of Data Security (Sotto interviewed), *Lodging Hospitality*, August 31, 2012
- Wyndham Data Security Suit Could Hamper FTC Enforcement (Sotto quoted), *Law 360*, August 28, 2012
- Press release of the Republic of Serbia's Commissioner for Information of Public Importance and Personal Data Protection (Sotto mentioned), July 9, 2012
- EU Privacy Panel Endorses Cloud Computing, But at a Cost (Sotto quoted), *Law360*, July 3, 2012
- Co-author, Technology: The privacy perils of mobile technology, *InsideCounsel*, June 1, 2012
- Privacy Bill of Rights: Not Be-All, End-All (Sotto interviewed), *BankInfoSecurity.com*, February 24, 2012
- The Move Toward a More Comprehensive Privacy Regime in the US (Sotto featured), *Ernst & Young: 2012 Privacy Top Trends, Insights on IT Risk*, January 2012
- Privacy and the Risk of Security Breaches: Evolving Legislation, Continued Risk (Sotto interviewed), *The Bottom Line*, December 2011
- Attorney's Role in Breach (Sotto interviewed), *BankInfoSecurity.com*, November 22, 2011
- State and Federal Regulators Step Up Efforts in Privacy and Data Security (Sotto speech reprinted), HB Litigation Conferences, August 8, 2011

- Co-author, The Shifting Sands of Data Protection and Resulting Privacy Pitfalls, *State Bar of Texas – 10th Annual Advanced In-House Counsel Course*, July 2011
- Hottest Practice Area? (Sotto featured), *Legal Bisnow*, April 25, 2011
- Top Security and Privacy Topics of 2011 (Sotto interviewed), *Government Information Security*, January 7, 2011
- Co-author, Comment: Data Protection Outlook for 2011: A Global Discussion, *Data Protection Law & Policy*, January 2011
- Author, Notice and Choice Paradigm in the US: Shifting the Focus, *Data Protection Law & Policy*, December 1, 2010
- Co-author, The Boucher Bill: Shaping the Privacy Landscape in the U.S., *Data Protection Law & Privacy*, May 30, 2010
- Co-author, Emerging Privacy Issues in Bankruptcy, *New York Law Journal*, June 2010
- Co-author, Privacy and Data Security Risks in Cloud Computing, *Electronic Commerce & Law Report*, February 3, 2010
- Co-author, Preservation and Monitoring of Corporate Messaging, *New York Law Journal*, November 11, 2009
- Co-author, FTC's Red Flags Rule: Delays Suggest Confusion on the Part of the Industry, *Privacy & Data Security Law Journal*, 2009
- Co-author, Behavioural Advertising: Legislative Steps, *dataprotectionlaw&policy*, Volume 6, Issue 7, July 2009
- Co-author, Proposed HHS Guidance on HITECH Act Breach Notice Obligations, *Privacy Law Watch* and *BNA Privacy & Security Law Report*, April 27, 2009
- Co-author, New Jersey Publishes Pre-Proposal of Rules Protecting Personal Information, *Privacy & Data Security Law Journal*, April 2009
- Co-author, FTC Publishes Red Flags Rule Compliance Guide; Confirms Broad Interpretation of the Rule, *Privacy & Information Law Report*, Volume 10, 2009
- Do you Know Where your Data Is? (Sotto interviewed), *Corporate Governance*, March 2009
- Co-author, Massachusetts Revises Information Security Regulations and Extends Compliance Deadline, *Privacy & Information Law Report* and *Lexology/ACC Newsstand*, March 1, 2009 and February 20, 2009
- Co-author, The Stimulus Package and Health Privacy Breaches, *Lawdragon*, February 2009
- Data-Theft Victims in Monster, Heartland Cases May Not Be Notified (Sotto interviewed), *USA Today TechnologyLive Blog*, 2009
- Author, Privacy Enters the Mainstream, *IAPP Privacy Advisor*, December 20, 2008
- Author, Identity Theft Red Flags and Address Discrepancies Rule, *Our*

Viewpoint, SAI Global, 2008

- Co-author, Surviving an FTC Investigation After a Data Breach, *New York Law Journal*, September 18, 2008
- Co-author, Strategic Information Management, BNA, Inc. *Privacy and Security Law Report*, September 15, 2008
- Co-author, U.S. Commerce Department Develops Safe Harbor Certification Mark, IAPP, *The Privacy Advisor*, September 1, 2008
- Co-author, *eDiscovery for Corporate Counsel*, Thomson Reuters/West, 2008
- Author, Views from Beyond the Beltway: Cyber Security Recommendations from the Experts, CSIS's Commission on Cyber Security for the 44th Presidency, Hunton & Williams Client Alert, May 30, 2008
- Author, The New CAN-SPAM Rule, Hunton & Williams Client Alert, May 29, 2008
- "ReachMD" regarding HIPAA and physicians' use of text messaging (Sotto interviewed), January 24, 2008
- Author, Data Security in 2008, *IAPP Privacy Advisor*, 2008
- Co-author, Data Breach! Correct Response Crucial, *New York Law Journal*, May 29, 2007
- Co-author, A How-To Guide to Information Security Breaches, *Privacy and Information Law Report*, *IAPP Privacy Advisor*, *BNA's Privacy & Security Law Report*, May 2007
- Co-author, Sounding the Alert on Data Breaches, *New York Law Journal*, July 20, 2006
- Co-author, What Every U.S. Employer Should Know About Workplace Privacy (Part Two), *ALM's Privacy & Data Protection Legal Reporter*, June 2006
- Co-author, What Every U.S. Employer Should Know About Workplace Privacy (Part One), *ALM's Privacy & Data Protection Legal Reporter*, May 2006

Events

- Speaker, Complex Data Breach Hypothetical, IAPP Practical Privacy Series on Data Breach, October 29, 2012
- Chair, IAPP Practical Privacy Series on Data Breach, October 29, 2012
- Speaker, HIPAA and HITECH Act Update, Citrix Systems, Inc., October 4, 2012
- Speaker, Preventing Breaches, Effective Breach Protocols and Mitigating Damages: Complex Data Breach Hypothetical, American Conference Institute's 6th National Advanced Forum on Cyber & Data

Risk Insurance, September 28, 2012

- Speaker, Data Privacy in a Global Era, Saint-Gobain Corporation, September 27, 2012
- Speaker, Data Breach: The Saga Continues, Institute on Privacy and Data Security Law, New York City, PLI, June 18, 2012
- Moderator, Interoperability to Facilitate Global Data Flows, Centre for Information Policy Leadership, June 13, 2012
- Speaker, Privacy & Information Security Update, ABA's Section of Antitrust Law, June 5, 2012
- Speaker, Preparing for a New U.S. Privacy Landscape: An Overview of the FTC and White House Frameworks, Jordan Lawrence, May 24, 2012
- Preparing for a New US Privacy Landscape Webcast, May 24, 2012
- Speaker, Data Privacy in a Global Era, The Network, Inc., May 11, 2012
- Moderator, Mitigating and Managing Privacy Risk, IAPP Europe: Data Protection Intensive, April 26, 2012
- Speaker, Information Technology Law institute 2012: Innovations in Apps, E-books, Cybersecurity, Mobile Technology, Privacy and Social Media, PLI, April 20, 2012
- Speaker, More Art than Science: Negotiating Privacy and Data Security Language, ABA International Spring Meeting, April 18, 2012
- Speaker, Mending Fences after a Breach, IAPP Global Privacy Summit, March 8, 2012
- Panelist, The Ethics of Big Data Collection and Use, Sixth Law & Information Society Symposium at Fordham Law School, March 2, 2012
- Panelist, Tomorrow's Privacy -- Balancing Commitments with Business Innovation, PwC's Data Protection and Privacy webcast, February 8, 2012
- Speaker, Implementing a Culture of Privacy Compliance: Preparing for and Responding to a Data Breach, ACI's 11th Annual Legal and Compliance Forum on Privacy & Security of Consumer and Employee Information, February 2, 2012
- Speaker, Money Never Sleeps and Neither Does Social Media: FINRA's View is the Future for All, Legal Tech, January 30, 2012
- Panelist, Emerging Privacy and Data Security Issues, DRI 2012 Corporate Counsel Roundtable, January 20, 2012
- Panelist, Current Trends in Global Privacy Enforcement, PriceWaterhouseCoopers and Hunton & Williams webinar, January 12, 2012
- Speaker, Cybersecurity: SEC Guidance, Disclosure Considerations

and Planning for the Unexpected, Hunton & Williams webinar, December 14, 2011

- Speaker, SEC Disclosure Guidance on Cybersecurity Risks and Legislative Update, New York Privacy Officer's Forum Breakfast Briefing, December 9, 2011
- Panelist, Roundtable discussion on The 33rd International Conference of Data Protection and Privacy Commissioners - Privacy: The Global Age, IAPP KnowledgeNet, December 8, 2011
- Panelist, Security Risks in the Modern World -- What Happens When There is a Serious Data Breach?, 33rd International Conference of Data Protection and Privacy Commissioners, Mexico City, November 3, 2011
- Speaker, Privacy and Data Security: A Global Tour, LRN Ethics & Compliance Webinar, October 19, 2011
- Speaker, Data Breach Notification: Recent Developments in the EU, Hunton & Williams Webinar, October 6, 2011
- Speaker, U.S. and EU Data Breach Requirements, TD Bank, September 28, 2011
- Speaker, The Current State of PCI, HIPAA and HITECH Compliance and How It's Impacting Cyber Liability Coverage and Claims, American Conference Institute's 5th National Advanced Forum on Cyber & Data Risk Insurance, September 26, 2011
- Keynote Speaker, Hot Topics in Data Privacy and Security, PWC's National Data Protection Privacy Summit, August 17, 2011
- Speaker, The Shifting Sands of Data Protection and Resulting Privacy Pitfalls, Texas Bar's 10th Annual Advanced In-House Counsel Course TexasBarCLE, July 29, 2011
- Moderator, Providing Excellent Service □ The Client's View, Hunton & Williams, June 23, 2011
- Co-chair, PLI's Twelfth Annual Institute on Privacy and Data Security Law, June 20-21, 2011
- Panelist, Managing a Crisis: Panel Discussion on a Complex Data Breach Hypothetical, PLI's Twelfth Annual Institute on Privacy and Data Security Law, June 20-21, 2011
- Panelist, NetDiligence Cyber Risk & Privacy Liability Forum, June 9, 2011
- Chair and Speaker, Hot Topics in Global Privacy Law, New York State Bar Association, May 12, 2011
- Speaker, The Current Legal Landscape and the Biggest Areas of Exposure in Data Privacy and Security, Data Privacy & Security for In-House Counsel Conference, Minnesota State Bar Association, January 21, 2011
- Speaker, FTC Framework – What is Key for Practitioners, First Friday

Call, Centre for Information Policy Leadership, January 14, 2011

- Speaker, Privacy Generations: A Debriefing on the International Privacy Commissioners' Conference, Fordham University School of Law, November 18, 2010
- Moderator, Regulating Privacy Across Borders in the Digital Age: An Emerging Global Consensus or Vive la Difference?, American Bar Association, November 10, 2010
- Speaker, Consent: Illusion or Reality?, 32nd International Conference of Data Protection and Privacy Commissioners, October 27, 2010
- Speaker, Briefing for EU Data Protection Authorities (by invitation of U.S. Department of State), September 21, 2010
- Speaker, Compliance & Ethics Fundamentals: Trends in Privacy & Data Security Compliance, SAI Global podcast, August 2, 2010
- Speaker, U.S. Supreme Court Addresses Employee Privacy in the Age of Rapidly-Developing Technology, Practicing Law Institute (Quon Case), July 6, 2010
- Co-chair, Practicing Law Institute's Eleventh Annual Institute on Privacy and Data Security Law, June 21, 2010
- Speaker, Security Breaches: Notification Challenges and Liability Risks, Practicing Law Institute's Eleventh Annual Institute on Privacy and Data Security Law, June 21, 2010
- Keynote Speaker, Privacy: A Global Overview, Minnesota State Bar Association's In-House Counsel Crash Course, May 18, 2010
- Speaker, Privacy and Data Protection: Global Developments and Insights for the Future, The Cross Border Group, May 12, 2010
- Speaker, Privacy: A Global Perspective, Northwestern Law Attorneys General Education Program, Second Annual Public Policy Conference, May 6, 2010
- Speaker, Privacy, Confidential Information and Intellectual Property, ECOA Law School, May 4, 2010
- Speaker, Privacy Law in Latin America, Zurich Services of the Americas, May 3, 2010
- Speaker, Data Privacy: Global Risks and Opportunities, McKesson Corporation Law Department Meeting, April 28, 2010
- Speaker, Safe Harbor, the Tenth Anniversary: What was, What is, and What will be . . . , IAPP 2010 Global Privacy Summit, April 19-21, 2010
- Speaker, Google Case Italy: Could it Happen to You?, DataGuidance Emergency Webinar, March 4, 2010
- Speaker, Virtual World — Real Crime, 2010 NAAG Presidential Initiative, National Association of Attorneys General, February 10, 2010
- Speaker, UBM: EU Data Transfer Mechanisms, UBM Inc., February 4,

2010

- Panelist, Preparing for and Responding to a Data Breach: Assessing Breach Scope, Notification Requirements, Appropriate Responses and Mitigation, ACI's 9th National Advanced Forum on Privacy and Security of Consumer and Employee Information, January 27, 2010
- Speaker, Data Privacy and Intellectual Property, Ethics & Compliance Officer Association, ECOA Law School, January 6, 2010
- Speaker, Data Privacy: Global Risks and Opportunities, McKesson Corporation, January 5, 2010

Awards & Recognition

- Voted Number 1 for the past three years in *Computerworld* poll of global privacy advisors
- Leader in the Field, National Privacy & Data Security, Band 1, Chambers USA, 2011-2012
- Recognized as a leading lawyer in *The Legal 500 United States*, 2012
- Elected as a Fellow, American Bar Foundation, 2011
- Recognized as one of the world's leading practitioners of *The International Who's Who of Internet, E-Commerce & Data Protection Lawyers*, 2012
- Named one of *Ethisphere Magazine's* 2012 "Attorneys Who Matter," listing attorneys who "have risen to the top"
- Certified Information Privacy Professional/United States (CIPP/US), International Association of Privacy Professionals, 2012
- Selected as New York Super Lawyer, 2006–2012
- Awarded 2000 Champion of Justice Award by the New York City Bar Association
- Recognized as "leader in your field" in *2012 Chambers Global Guide*
- Honoree, 2011 Empire State Counsel Program, New York State Bar Association, Pro Bono Affairs, December 2011



John J. Delionado
Partner

PRACTICES

Complex Consumer and
Financial Services Litigation
Internal Investigations
White Collar Crimes and
Business Defense
Data Breach
Fair Lending

CONTACT

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EDUCATION

JD, Harvard Law School, 2000

BA, Classics and History,
Amherst College, 1995

BAR ADMISSIONS

Florida

District of Columbia

John's practice focuses on internal investigations and cyber security matters, financial institution defense and complex commercial litigation.

John's practice focuses on the defense of businesses and individuals investigated by the government and on cyber security matters. He regularly represents financial institutions, corporations, and HIPAA-covered entities in complex regulatory enforcement matters and class actions.

John has led investigations into potential cyber intrusions, cyber extortions, and computer breach events for Fortune 500, major multi-national, and healthcare companies including investigation into two of the largest reported credit card hacking events in retail history. He has also led several internal investigations into financial crimes, theft of trade secrets, and healthcare fraud.

As a former Assistant United States Attorney for the Southern District of Florida, John prosecuted a wide variety of crimes including bank, wire, and computer fraud, as well as major narcotics and money laundering cases. He has tried several cases and had high profile trials involving a mail fraud scheme targeting several schools, the armed kidnapping of a federal employee, an airplane hijacking, and the attempted enticement of a minor over the internet.

John clerked for the Honorable Federico A. Moreno of the Southern District of Florida. He is a frequent speaker on cyber security and banking topics.

Relevant Experience

- Led multiple internal investigations involving potential theft of trade secrets, Healthcare Fraud, Foreign Corrupt Practices Act, Racketeer Influenced and Corrupt Organizations Act, and money laundering issues.
- Led several investigations into potential cyber intrusions, cyber extortion, and other breach events.
- Representing clients in class actions involving data breach events, including actions involving Protected Health Information and account fraud, credit card lending practices, and securities fraud.

- Led investigation for international bank victimized by network security breach and theft from ATM network. Worked with United States and international law enforcement and financial institution regulators.
- Advises on data protection and potential compromises of sensitive data for financial institutions, health care, energy, and retail companies, including the applicability of breach laws, the Interagency Guidance, and the HITECH Act.
- Represents financial institutions, directors, and officers in regulatory enforcement actions and actions by Department of Justice, including responding to "15 day letters" on issues relating to the Bank Secrecy Act, lending practices, and debt instruments.
- Led investigation into allegations of corruption involving financial institution.
- Defends individuals and companies in white collar criminal matters, including financial and healthcare fraud, environmental, and campaign contribution matters.
- Represents international energy company in complex commercial matters including Uniform Commercial Code pricing issues, contract disputes, and Petroleum Marketing Practices Act matters.
- Represents and conducts investigations for financial institutions into matters involving law enforcement and regulatory scrutiny.
- Represents major international beverage company in RICO dispute adverse to a foreign sovereign.
- Represents Fortune 500 beverage company in contractual dispute and tort cases.

Memberships

- Former Chair, Southern District of Florida, Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney Grievance
- Member, Southern District Florida, Committee for Reappointment of Magistrate Judges

Recent Publications

- Co-author, Fair Lending Developments, Nebraska Independent Banker, Winter 2011

Recent Events

- 2012 American Mortgage Conference, "Fair Lending, UDAAP and Other Regulatory Gotchas for Mortgage Bankers," (co-presented with Peter Weinstock), North Carolina Bankers Association, Raleigh, NC, September 10-12, 2012
- Webinar – Independent Community Bankers of America, "Fair Lending, UDAAP and Compliance Issues," (co-presented with Peter Weinstock), July 18, 2012

- Federal Bar Association, "Ethics in Federal Practice" (co-panelist with Hon. Paul C. Huck, United States District Court, Southern District of Florida), Miami, FL, March 8, 2012
- Webinar – Western Independent Bankers, "Fair Lending and Compliance Issues," (co-presented with Peter Weinstock and Jessica Pollner and Eddie Valaitis of PriceWaterhouseCoopers), February 7, 2012
- Webinar – North Carolina Bankers Association, "Fair Lending and Compliance Issues," (co-presented with Peter Weinstock and Jessica Pollner and Eddie Valaitis of PriceWaterhouseCoopers), January 17, 2012
- Webinar – Louisiana Bankers Association, "Fair Lending and Compliance Issues," (co-presented with Peter Weinstock and Jessica Pollner and Eddie Valaitis of PriceWaterhouseCoopers), January 9, 2012
- Webinar – Independent Community Bankers of America, "Fair Lending," December 8, 2011 (co-presented with Peter Weinstock)
- Speaker, Private and Public Cooperation, United States Secret Service, Miami Electronic Crimes Taskforce Meeting, July 2010
- Keynote Speaker, Private and Public Cooperation, United States Secret Service, Kansas City and St. Louis Electronic Crimes Taskforce Inaugurations, May 2010

Awards & Recognition

- Named one of the top "40 Under 40" by the South Florida Business Journal, 2012
- Named one of the "40 under 40 Outstanding Lawyers" of Miami-Dade County, Benefiting Cystic Fibrosis Foundation, 2011
- Selected as a "Rising Star," Criminal Defense: White Collar, General Litigation, *Florida Super Lawyers* magazine, 2009-2011
- Named among Florida's "Legal Elite," Commercial Litigation, *Florida Trend* magazine, 2010
- Samuel J. Heyman Fellow for Public Service, Harvard Law School

Stirling, Bryan

From: Glaccum, David (Judiciary-Rep) <David_Glaccum@judiciary-rep.senate.gov>
Sent: Sunday, November 04, 2012 9:03 PM
To: Stirling, Bryan
Subject: Fw: Timeline?

----- Original Message -----

From: Glaccum, David (L. Graham)
Sent: Sunday, November 04, 2012 08:59 PM
To: Glaccum, David (Judiciary-Rep)
Subject: FW: Timeline?

From: Hicken, Joseph F CIV OSD LA
Sent: Sunday, November 04, 2012 8:59:26 PM (UTC-05:00) Eastern Time (US & Canada)
To: Glaccum, David (L. Graham)
Cc: Miller, Andrea LtCol OSD LA
Subject: Re: Timeline?

David, I'm told that someone from our office of Military Community and Family Policy will try to get in touch with Mr. Stirling tomorrow. Please instruct him to let you know if he does not get contact by COB tomorrow. Thanks for your patience, and hopefully we can get that word out ASAP.

v/r,
Joe

Mobile: 703.717.3518

----- Original Message -----

From: Hicken, Joseph F CIV OSD LA
Sent: Friday, November 02, 2012 03:08 PM
To: 'Glaccum, David (L. Graham)' <David_Glaccum@lgraham.senate.gov>
Subject: RE: Timeline?

Still tracking this David, I said I'd bring this to acting USD(P&R) if I wasn't able to get action on this at the staff level. Will be in touch.

v/r,
Joe

Joe Hicken
Office of the Assistant Secretary of Defense for Legislative Affairs
Direct: 703.614.2865

-----Original Message-----

From: Glaccum, David (L. Graham) [mailto:David_Glaccum@lgraham.senate.gov]

Sent: Friday, November 02, 2012 8:56 AM

To: Hicken, Joseph F CIV OSD LA

Subject: RE: Timeline?

Joe,

Thanks for getting back to me so quickly. I have relayed what you wrote down to the State. Thank you.

DMG

David M. Glaccum

Deputy Counsel

Office of Senator Lindsey Graham

-----Original Message-----

From: Hicken, Joseph F CIV OSD LA [<mailto:Joseph.Hicken@osd.mil>]

Sent: Thursday, November 01, 2012 5:54 PM

To: Glaccum, David (L. Graham); Miller, Andrea LtCol OSD LA

Subject: RE: Timeline?

David, we're working it. Problem is that we don't have an automatic instrumentality to reach out to SC domiciled personnel who are deployed (in general), and let them know their information has been compromised by the state, from the OSD level. Trying to get folks to work out a creative solution.

v/r,

Joe

Joe Hicken

Office of the Assistant Secretary of Defense for Legislative Affairs

Direct: 703.614.2865

-----Original Message-----

From: Glaccum, David (L. Graham) [mailto:David_Glaccum@lgraham.senate.gov]

Sent: Thursday, November 01, 2012 5:12 PM

To: Hicken, Joseph F CIV OSD LA; Miller, Andrea LtCol OSD LA

Subject: Timeline?

Thank y'all again for the assistance in this matter. Would y'all be able to offer a timeline of when someone will be in contact with Bryan at the Governor's office? The sooner the better. He wants to start up a dialogue ASAP so they can begin to develop a plan. Thank you.

DMG

David M. Glaccum

Deputy Counsel

Senator Lindsey O. Graham

290 Russell Senate Office Building

Washington, DC 20510

202-224-5972

Description: S:\IT Stuff\GRAHAMicons_files\image002.jpg <<http://twitter.com/GrahamBlog>> Description: S:\IT Stuff\GRAHAMicons_files\image004.jpg <<http://www.facebook.com/USSenatorLindseyGraham>> Description: S:\IT Stuff\GRAHAMicons_files\image006.jpg <<http://www.youtube.com/user/USSenLindseyGraham>> Description: S:\IT Stuff\GRAHAMicons_files\image008.jpg <<http://lgraham.senate.gov/public>>

Stirling, Bryan

From: Miller, Peter B. <PMILLER@ftc.gov>
Sent: Monday, November 05, 2012 1:00 PM
To: Stirling, Bryan
Cc: Kaufman, Daniel
Subject: Incident follow-up, as promised

Bryan –

It was good talking with you this morning, and we look forward to hearing from you as things move forward. As we discussed, the two areas where the FTC can likely be of the most assistance are i) ID theft-related information, materials, and speakers; and ii) plans and strategy for moving forward from the incident response in terms of privacy/data security policy, practices, and procedures to reduce the risk of future recurrences. We're happy to talk with you further once you and your team determine what would be helpful, including with the anticipated town hall meetings. We're also happy to talk before then if you reach points at which some brainstorming or outside perspective might be helpful.

The Chairman asked me to serve as point person for the FTC's follow-up with you and your team. As we discussed during the TC, Daniel Kaufman, copied on this email, and I will be working with you and your team as you identify possible areas for assistance. Daniel is a Deputy Director in our Bureau of Consumer Protection with responsibility for, among other things, our Division of Privacy and Identity Protection. In addition, Daniel and I both work closely with the FTC's Southeast Regional Office in Atlanta. SER's director, Cindy Liebes, and her team have been long-time partners with South Carolina for a variety of law enforcement and other activities including, most recently, working with Carri Grube Lybarker in your Department of Consumer Affairs on the October 24 FIFITPA program for state agencies and a planned November 15 ID Theft tele-town hall in partnership with AARP.

My contact information is in the signature block, below, and Daniel's contact information is

Daniel Kaufman

Federal Trade Commission | Bureau of Consumer Protection
Acting Deputy Director
600 Pennsylvania Ave NW | Washington DC 20580
t: 202.326.2675 | dkaufman@ftc.gov

Regards,
Peter

*Peter B. Miller, JD, CIPP/G/IT 202-326-2629
Chief Privacy Officer
Federal Trade Commission
600 Pennsylvania Ave. NW, H-344
Washington, DC 20580
fax 202-326-3442
pmiller@ftc.gov*

Stirling, Bryan

From: Ozzie Fonseca <ofonseca@experianinteractive.com>
Sent: Monday, November 05, 2012 3:09 PM
To: Stirling, Bryan
Subject: RE: FAQ II
Attachments: image001.jpg

I will follow up with Greg right away.

Thanks

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution

Experian Consumer Direct
535 Anton, Suite 100.
Costa Mesa, CA 92626
(949) 567-3851 - Desk
(949) 302-2299 -
Cell (949) 242-2938 - Fax
ozzie.fonseca@experian.com<<mailto:ozzie.fonseca@experian.com>>

Blog: www.Experian.com/blogs/data-breach<<http://www.Experian.com/blogs/data-breach>>
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"Stirling, Bryan" <BryanStirling@gov.sc.gov> wrote:

Can you get me the updated numbers. Thank you.

From: Ozzie Fonseca [<mailto:ofonseca@experianinteractive.com>]
Sent: Monday, November 05, 2012 2:14 PM
To: Veldran, Katherine; Greg Young
Cc: Pitts, Ted; Stirling, Bryan
Subject: RE: FAQ II

Katherine:

Greg is our PR point of contact, so I'm forwarding the questions to him. I will let Greg provide the timeline to get you answers.

Thanks

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution
[Description: Image Detail]
Experian Consumer Direct
535 Anton, Suite 100. Costa Mesa, CA 92626
(949) 567-3851 - Desk
(949) 302-2299 - Cell
(949) 242-2938 - Fax
ozzie.fonseca@experian.com<<mailto:ozzie.fonseca@experian.com>>

Blog: [www.Experian.com/blogs/data-breach](http://www.experian.com/blogs/data-breach)<<http://www.experian.com/blogs/data-breach>>
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From: Veldran, Katherine [<mailto:KatherineVeldran@gov.sc.gov>]
Sent: Monday, November 05, 2012 11:08 AM
To: Ozzie Fonseca
Cc: Pitts, Ted; Stirling, Bryan
Subject: FAQ II

Ozzie,
I have added 4 questions to the list below which was emailed on Friday, 11/2.
We would like to send out FAQ II tomorrow. When do you think we will receive Experian's responses?
Thank you,
Katherine

Experian 11-3

Q: Are the Experian Call Centers located in a foreign country? Where are they located?

A:

Q: Why does the SC taxpayer have to give Experian their SSN when they already have it? Can't the SC taxpayer just give them the last 5 digits?

A:

Q: What assurance does the SC taxpayer have that their Social Security Number is protected with Experian?

A:

Q: When does the Experian coverage begin and end both for an individual and Family Secure?

A:

Q: What happens after the one year complimentary membership with ProtectMyID and Family Secure?

A:

Q: What is the difference between Experian and ProtectMyID?

A:

Q: If I see anything inaccurate or concerning on my credit report who should I call?

A:

Q: When will Experian alert us if there is any fraudulent activity on our credit report, banking and/or debt card information?

A:

Q: Will hackers be able to redirect social security checks since they have SSN and bank routing/account information?

A:

Q: Experian is only accepting American address online? What do I need to do if I live outside of the states?

A:

Q: When will people be notified who no longer live in the US? Can you supply me a copy of the letter?

A:

Q: Is it true that none of the services/ benefits provided are protection they are only notifications after the theft or fraud has taken place?

A:

Q: What happens if the ProtectMyID “times me out” online? What are my next steps?

A:

Q: Will Experian ever ask me for my credit card number?

A:

Katherine F. Veldran

Legislative Liaison | Office of Governor Nikki Haley

O: 803-734-5124 | C: 803-767-7583

KatherineVeldran@gov.sc.gov<mailto:KatherineVeldran@gov.sc.gov>

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Monday, November 05, 2012 6:08 PM
To: Stirling, Bryan; Ozzie Fonseca
Cc: Michael Bruemmer; Jon Neiditz
Subject: RE: Stats - 3 pm PST 11-5-12

Activations - 656,707

Calls to date - 715,000

Wait time - 9.3 minutes

Greg Young, APR
Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

-----Original Message-----

From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Monday, November 05, 2012 2:31 PM
To: Ozzie Fonseca
Cc: Greg Young
Subject: RE: Stats

Please get me today's most up to date numbers sometime this evening. Thank you.

-----Original Message-----

From: Ozzie Fonseca [<mailto:ofonseca@experianinteractive.com>]
Sent: Monday, November 05, 2012 5:28 PM
To: Stirling, Bryan
Cc: Greg Young
Subject: Stats

Bryan:

I imagine Greg is buried with related inquiries, so I'm sending you the numbers I have as of last night:

Calls - 702,420

Enrollments - 639,444

Ozzie Fonseca, CIPP/US

Senior Director, Data Breach Resolution

Experian Consumer Direct

535 Anton, Suite 100. Costa Mesa, CA 92626

(949) 567-3851 - Desk

(949) 302-2299 - Cell

(949) 242-2938 - Fax

ozzie.fonseca@experian.com

Blog: www.Experian.com/blogs/data-breach

Follow us on Twitter: www.Twitter.com/Experian_DBR Visit us at <http://www.experian.com/databreach>

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Stirling, Bryan

From: Ozzie Fonseca <ofonseca@experianinteractive.com>
Sent: Monday, November 05, 2012 5:28 PM
To: Stirling, Bryan
Cc: Greg Young
Subject: Stats

Bryan:

I imagine Greg is buried with related inquiries, so I'm sending you the numbers I have as of last night:

Calls - 702,420
Enrollments - 639,444

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution

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Stirling, Bryan

From: Ted Riley <triley@rplfirm.com>
Sent: Monday, November 05, 2012 3:41 PM
To: Stirling, Bryan
Subject: Quick Question

Bryan,

Congratulations again on becoming the COS. That was a great throw at the football game but you did have about a 25 mile an hour wind behind you!!

I was contacted by a company that works with other states when information is breached by providing a filter/safety net using data and analytics to protect against fraudulent tax returns. So instead of a credit report the state can ensure that they capture these fraudulent returns. Wisconsin, Georgia and Pennsylvania are currently implementing this product.

Do you think the state would be interested in talking with these folks? If so, who would you recommend that I put them in touch with? Thanks for your help. Ted

Theodore D. Riley

Riley Pope & Laney, LLC

2838 Devine Street | Post Office Box 11412 (29211)

Columbia, South Carolina 29205

803.799.9993 Telephone

803.239.1414 Facsimile

803.622.7261 Mobile

Email: triley@rplfirm.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 11:22 AM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Jon Neiditz; Anel Nevarez
Subject: From Greg Young, re: PMID/SCDOR stats for 11-6-12, 8:30 am PST

All,

Morning stats:

Activations: 675,000

Calls to date: 719,000

Avg. wait time: 9 min.

GY

Greg Young, APR

Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 10:26 AM
To: Thad Westbrook; Stirling, Bryan; Ozzie Fonseca
Cc: Michael Bruemmer
Subject: RE: Experian refuses to cover South Carolina taxpayers who live outside the US.

All,

Per the FAQ document distributed last night, here is what you can tell folks. In regards to this particular situation, we are going to reach out and take care of her. I'll keep everyone apprised.

Q: *Experian is only accepting American address online? What do I need to do if I live outside of the states?*

A: *A US address must be provided when enrolling; if you are an expat or otherwise living abroad you should provide the US address you utilized to obtain credit within the US, as address-matching is one of the pieces of data used by Experian for credit file authentication. We recommend out-of-country South Carolina taxpayers impacted by the breach sign up using their last US mailing address and, if issues arise, they should speak to an Experian customer care representative.*

Greg Young, APR
Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

From: Thad Westbrook [<mailto:thad.westbrook@nelsonmullins.com>]
Sent: Tuesday, November 06, 2012 6:42 AM
To: BryanStirling@gov.sc.gov; Greg Young; Ozzie Fonseca
Subject: Re: Experian refuses to cover South Carolina taxpayers who live outside the US.

I'm sure Experian can figure out a way to fix this. I'm available for a call any time today.

From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Tuesday, November 06, 2012 09:27 AM
To: 'Greg.Young@experianinteractive.com' <Greg.Young@experianinteractive.com>; 'ofonseca@experianinteractive.com' <ofonseca@experianinteractive.com>; Thad Westbrook
Subject: Fw: Experian refuses to cover South Carolina taxpayers who live outside the US.

Please see below. US address needed to monitor?

From: Veldran, Katherine
Sent: Tuesday, November 06, 2012 09:19 AM
To: Stirling, Bryan; Pitts, Ted
Subject: Fw: Experian refuses to cover South Carolina taxpayers who live outside the US.

I been working very close with this case.

Hopefully we can have this call with Thad today.
Please let me know what time works with your schedule.

Thanks, Katherine

From: Michele Neal [<mailto:MicheleNeal@scsenate.gov>]
Sent: Tuesday, November 06, 2012 09:11 AM
To: Veldran, Katherine
Subject: FW: Experian refuses to cover South Carolina taxpayers who live outside the US.

A constituent wanted us to be sure the Governor's office is aware that her sister who lives in Scotland will not be covered by Experian.

Take care,

Michele Neal
Senator Joel Lourie's office
P. O. Box 142
Suite 601 Gressette Building
Columbia, SC 29202
803-212-6116

From: Harriet [REDACTED] [[mailto:\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)]
Sent: Monday, November 05, 2012 5:31 PM
To: Michele Neal
Subject: Experian refuses to cover South Carolina taxpayers who live outside the US.

More bad news, Michele.

This is the (snotty) response my sister, a South Carolina taxpayer who lives in Scotland, received from Experian:

"Thank you for giving us the opportunity to address your concerns. We will not be able to monitor your account without a U.S. address. I apologize for any inconvenience or misunderstanding. Please feel free to contact me if you have additional questions.

Regards,

Schwanda Grant
Consumer Relations Group
ConsumerInfo.com, Inc., an Experian Company
949.567.3885"

From: Michele Neal <MicheleNeal@scsenate.gov>
To: ""@yahoo.com" <""@yahoo.com>
Sent: Wednesday, October 31, 2012 12:04 PM
Subject: FW: Media packet

Here is some information from SCDOR.

Michele Neal
Senator Joel Lourie's office
P. O. Box 142
Suite 601 Gressette Building
Columbia, SC 29202
803-212-6116

From: Michele Neal
Sent: Wednesday, October 31, 2012 9:00 AM
To: 'M Mullins'
Subject: FW: Media packet

FYI

From: Meredith Cleland [mailto:CLELANM@sctax.org]
Sent: Monday, October 29, 2012 12:54 PM
To: Michele Neal
Subject: FW: Media packet

Hey Michele!

Attached please find some information that was put out the other day which contains good information for taxpayers. The easiest way to get to the protection is to go to the website protectmyid.com/scdor and use the code scdor123 to get access. Going directly to the website may keep them from having to spend time calling the toll free number.

Please let me know if you get any questions and we'll try to answer them.

Thanks

Stirling, Bryan

From: Ozzie Fonseca <ofonseca@experianinteractive.com>
Sent: Tuesday, November 06, 2012 4:36 PM
To: Stirling, Bryan; Greg Young
Cc: Schimsa, Rebecca
Subject: RE: AARP Tele-Town Hall

I alerted the call center.

Thanks

Ozzie Fonseca, CIPP/US
Senior Director, Data Breach Resolution



Experian Consumer Direct
535 Anton, Suite 100. Costa Mesa, CA 92626
(949) 567-3851 - Desk
(949) 302-2299 - Cell
(949) 242-2938 - Fax
ozzie.fonseca@experian.com

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Visit us at <http://www.experian.com/databreach>

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From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Tuesday, November 06, 2012 12:50 PM
To: Ozzie Fonseca; Greg Young
Cc: Schimsa, Rebecca
Subject: AARP Tele-Town Hall

Just a heads up that an AARP teletownhall is scheduled on Thursday, November 15th at 10:30 a.m. EST. They expect 30,000 seniors on that call. For Experian staffing purposes, I would expect the phone line to see a significant increase in traffic after that call.

Stirling, Bryan

From: Neil Rashley <nrashley@scbankers.org>
Sent: Tuesday, November 06, 2012 4:10 PM
To: Stirling, Bryan
Subject: DOR data

Any idea on time frame of when they can get the data on routing numbers? Just checking.

Thanks,

Neil Rashley
Senior Vice President and Counsel
South Carolina Bankers Association
2009 Park Street
P.O. Box 1483
Columbia, SC 29202
(803) 779-0850
(803) 256-8150 (fax)
nrashley@scbankers.org
www.scbankers.org

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 7:22 PM
To: Stirling, Bryan
Subject: From Greg Young, re: utility bill stuffers

Bryan,

Have some questions related to this; will call in morning.

GY

Greg Young, APR

Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 7:21 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Jon Neiditz; Thad Westbrook; Anel Nevarez; Ken Bixler
Subject: FW: From Greg Young, re: PMID/SCDOR stats for 11-6-12, 4:00 am PST

All,

Evening stats:

Activations: 689,000

Calls to date: 725,000

Avg. wait time: 8.5 min.

GY

Greg Young, APR

Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 7:01 PM
To: Stirling, Bryan; Godfrey, Rob
Subject: quick stat

Bryan –

Want to keep you up to speed...full numbers coming but just provided this to Andy Shain at The State:

Activations: 689,000

Greg Young, APR

Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Tuesday, November 06, 2012 6:12 PM
To: Stirling, Bryan
Subject: RE: AARP Tele-Town Hall

Importance: High

Bryan –

Can you call me in regards to this?
Direct: 949-567-3791

Greg Young, APR
Director
Public Relations/Consumer Engagement

Experian Consumer Services
535 Anton, suite 100
Costa Mesa, CA 92626
Direct: 949-567-3791
Mobile: 949-294-5701
greg.young@experianinteractive.com

freecreditreport.com
freecreditscore.com
creditreport.com
protectmyid.com
safetyweb.com

From: Stirling, Bryan [<mailto:BryanStirling@gov.sc.gov>]
Sent: Tuesday, November 06, 2012 12:50 PM
To: Ozzie Fonseca; Greg Young
Cc: Schimsa, Rebecca
Subject: AARP Tele-Town Hall

Just a heads up that an AARP teletownhall is scheduled on Thursday, November 15th at 10:30 a.m. EST. They expect 30,000 seniors on that call. For Experian staffing purposes, I would expect the phone line to see a significant increase in traffic after that call.

Stirling, Bryan

From: Anel Nevarez <Anel.Nevarez@experianinteractive.com>
Sent: Wednesday, November 07, 2012 12:02 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Greg Young; Jon.Neiditz@nelsonmullins.com; Ken Bixler; thad.westbrook@nelsonmullins.com
Subject: Stats for 11-7-12

All,

Morning stats:

Activation: 693,272
Calls to date: 728,701
Average wait time: 8.2 min

Best,
Anel Nevarez
Account Manager - Data Breach Resolution
Experian Consumer Services



535 Anton, Suite 100
Costa Mesa, CA 92626
T: 949.567.7629
C: 949.294.2183
F: 949.242.2938
Anel.Nevarez@experianinteractive.com

Blog: www.Experian.com/blogs/data-breach
Follow us on Twitter: www.Twitter.com/Experian_DBR
Visit us at <http://www.experian.com/databreach>

Stirling, Bryan

From: Anel Nevarez <Anel.Nevarez@experianinteractive.com>
Sent: Thursday, November 08, 2012 12:07 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Greg Young; 'Jon.Neiditz@nelsonmullins.com'; Ken Bixler; 'thad.westbrook@nelsonmullins.com'
Subject: SCDOR Stats for 11-8-12

All,

Morning stats:

Activation: 715,829
Calls to date: 740,905
Average wait time: 7.7 min

Best,
Anel Nevarez
Account Manager - Data Breach Resolution
Experian Consumer Services



535 Anton, Suite 100
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F: 949.242.2938
Anel.Nevarez@experianinteractive.com

Blog: www.Experian.com/blogs/data-breach
Follow us on Twitter: www.Twitter.com/Experian_DBR
Visit us at <http://www.experian.com/databreach>

Stirling, Bryan

From: Maley, Patrick
Sent: Thursday, November 08, 2012 5:30 PM
To: Stirling, Bryan
Subject: FW: final letter to Govenor re status update
Attachments: IG Update Letter re INFOSEC.pdf

Update letter sent Monday laying out plan.

From: Maley, Patrick
Sent: Monday, November 05, 2012 5:20 PM
To: Pitts, Ted
Subject: final letter to Govenor re status update

Thanks—Could you please forward to Governor either as email or hard copy print, whichever is her preference.

thanks



State of South Carolina Office of the Inspector General

November 2, 2012

Honorable Nikki R. Haley
Governor of South Carolina
1205 Pendleton Street
Columbia, SC 29201

Re: State Government Information Security

Dear Governor Haley,

The Office of Inspector General (OIG) fully endorses the urgent need to examine State Government Information Security (INFOSEC). In recent INFOSEC policy compliance reviews, a cornerstone for an overall effective program, policies had significant variability in form and substance, which illustrates and, in large part, attributable to the state's lack of mandatory requirements, standards, monitoring, or enforcement for INFOSEC in entities of state government. The state provides a general INFOSEC policy model, but the state only suggests each Agency tailor it to their environment. Given the state's decentralized IT environment, the state has unique challenges in understanding, controlling, and mitigating the state-wide INFOSEC risk in the over 100 entities in the Executive Branch, as well as the other branches of government.

As the initial step, informal and formal meetings between the OIG, the Division of State Information Technology (DSIT), expert consultants, and Agency Chief Information Officers (CIO) culminated in a group meeting with Agency CIOs on Thursday, November 1, 2012. The nearly two hour meeting lead to much dialogue, discussion, and debate. The topics generated focused on resources, governance, and priorities/strategies. It was clear, as well as comforting, to see CIOs' focus and passion on this topic, as well as their self-initiated efforts within their respective Agencies to re-examine their own INFOSEC risk since the DOR breach.

Based on an OIG/DSIT draft document coupled with feedback from CIOs, the OIG launched a tasking to all Agencies. The tasking will have every agency, in a systematic manner, do the following:

- Conduct short term remediation steps: Each Agency will "double check" specific INFOSEC procedures having the highest impact on lowering INFOSEC risk. Emphasis was on reviewing these fundamentals in each agency through the new optic of the post-DOR breach world in which we now operate.

- Agency self-assessment: Each Agency CIO will complete an electronic INFOSEC self-assessment survey, as will each Agency Head from their perspective. Then, Agency Head and CIO must meet to discuss results to ensure Agency Heads are fully engaged in this state-wide issue.
- Data Classification: Identify high risk data, primarily PII and PHI, and identify any immediate needs to secure data with disproportional risk.

A full-time task force has been established to address this state-wide INFOSEC issue. The scope of this effort will focus on the first milestone describing the current conditions “on the ground” of INFOSEC state-wide in a time-sensitive manner, then collect data to develop options and recommendations on governance models and state-wide strategies to address the INFOSEC risk. A governance model with a strategy is the first step to provide a sustainable state-wide INFOSEC platform for leadership, structure/processes, and assurance that INFOSEC risk, policy, and resource needs are addressed at the state level. Then, authority can be delegated based on the adopted model to implement, supplemental subject matter expertise can be provided in a cost/effective manner, and a monitoring/enforcement mechanism can be designed to meet the desired level of security throughout state government. The OIG’s role is to synthesize data from the complex INFOSEC arena into a meaningful options & recommendations business case document for a road map of a “holistic” state-wide INFOSEC program in terms of governance, strategy, and costs. Data will include, but not limited to, best practices; experts’ advice & insights; state CIO & state officials’ input; lessons learned from other state governments experiencing the same dramatic data loss; and cost factors.

As an aside, after my first week’s emersion into this state-wide issue, the volume of data and advice can be overwhelming to digest. Of the stack of reports and studies on my desk, a 2012 survey of state CIOs (<http://www.nascio.org/publications/documents/Deloitte-NASCIOCybersecurityStudy2012.pdf>) does a good job in a providing a snapshot of the state government INFOSEC issues across the country, which can serve as primer as we all work collectively on this important state-wide issue.

If you need any additional information, please do not hesitate to call me at (803) 896-4729.

Sincerely,



Patrick J. Maley
Inspector General

cc: Glenn McConnell, Lieutenant Governor,
John E. Courson, President Pro Tempore
Hugh Leatherman, Senator
Robert W. Harrell, Jr., House Speaker
Brian White, Representative

Stirling, Bryan

From: Anel Nevarez <Anel.Nevarez@experianinteractive.com>
Sent: Friday, November 09, 2012 12:23 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Greg Young; 'Jon.Neiditz@nelsonmullins.com'; Ken Bixler; 'thad.westbrook@nelsonmullins.com'
Subject: RE: SCDOR Stats for 11-9-12

All,

Morning stats:

Activation: 740,698
Calls to date: 750,209
Average wait time: 7.2 min

Best,
Anel Nevarez
Account Manager - Data Breach Resolution
Experian Consumer Services



535 Anton, Suite 100
Costa Mesa, CA 92626
T: 949.567.7629
C: 949.294.2183
F: 949.242.2938
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Blog: www.Experian.com/blogs/data-breach
Follow us on Twitter: www.Twitter.com/Experian_DBR
Visit us at <http://www.experian.com/databreach>

Stirling, Bryan

From: Marshall Heilman <Marshall.Heilman@mandiant.com>
Sent: Friday, November 09, 2012 11:36 AM
To: Jim Etter; rush.smith@nelsonmullins.com; Stirling, Bryan
Cc: Charles Carmakal; Christopher Glyer
Subject: FW: Availability for interview

Importance: High

Gents,

Below are the questions it looks like Mr. Isikoff is trying to get answers to. I have two concerns:

- 1) I think the answers to those questions should likely come from the Governor's press release next week after the conclusion of the investigation.
- 2) I worry that NBC Nightly may go ahead with their story based on what's already in the news and not with facts that we can control.

r/
Marshall
Director
+1 (808) 230-4707

From: Isikoff, Michael (NBCUniversal) [<mailto:Michael.Isikoff@nbcuni.com>]
Sent: Friday, November 09, 2012 11:33 AM
To: Marshall Heilman
Subject: RE: Availability for interview

Marshall—Got it. Basically trying to make sure we understand what happened – for a possible NBC Nightly News piece next week. Saw the Post and Courier story yesterday and want to go over the matters you were quoted as addressing there—how the hacker was able to get access to the system (sounds like this was phishing penetration) and the vulnerabilities that were exploited.

Were also trying to understand a few other matters related to this:

- 1) Were all 3.8 million tax returns actually exfiltrated, or did the hackers simply get access to a data base that allowed them to potentially access that amount?
- 2) In what form were the tax returns exfiltrated—do the hackers actually have scanned copies of the returns, or just the digital data contained on them?
- 3) Why was credit card data encrypted, but not tax returns with SS numbers?

There are a few other details that I'd like to go over, but if we can chat this afternoon, would be enormously helpful to make sure we get our reporting on this exactly right.

Mike Isikoff
NBC News
O 202-885-4993
C 202-258-2535

Stirling, Bryan

From: Marshall Heilman <Marshall.Heilman@mandiant.com>
Sent: Friday, November 09, 2012 11:32 AM
To: Jim Etter; rush.smith@nelsonmullins.com; Stirling, Bryan
Cc: Charles Carmakal; Christopher Glyer
Subject: NBC Nightly News interview request

Importance: High

All,

I received communication from Michael Isikoff of NBC Nightly (https://en.wikipedia.org/wiki/Michael_Isikoff) requesting interview (likely on camera). I will need your authorization before I speak to him. If you are OK with me speaking to him, my recommendation would be similar to what we did last time:

1. I request written questions to be answered
2. I provide my written responses to you for approval
3. I then either provide my answers to Mr. Isikoff or I do the on camera interview and answer the questions using the agreed upon answers

It may also be beneficial to have someone from the State participate as well, especially speaking about what is being done moving forward.

Mr. Isikoff requested the interview be performed today, which I don't think I can accommodate; however, I'm assuming he's going to push to get it as soon as possible. Please let me know how you would like me to proceed.

I'm looking for authorization from the State, the DoR, and Nelson Mullins.

r/
Marshall

Marshall S. Heilman
MANDIANT
Director
2318 Mill Road
Suite 500
Alexandria, VA 22314
+1 (703) 224-2896 t
+1 (703) 683-2891 f
+1 (808) 230-4707 m
marshall.heilman@mandiant.com
www.mandiant.com

Stirling, Bryan

From: Greg Young <Greg.Young@experianinteractive.com>
Sent: Sunday, November 11, 2012 4:30 PM
To: Stirling, Bryan
Cc: Godfrey, Rob; Jon.Neiditz@nelsonmullins.com; Michael Bruemmer; Ozzie Fonseca; Anel Nevarez
Subject: Call and Activation stats for 1:30 PM Pacific, 11-11-12

Latest numbers:

Activations: 759,000

Calls: 760,000

Avg. Call Wait: 6.75 min

Greg Young, APR
Experian Consumer Direct
Director, Public Relations /Consumer Engagement
949-294-5701

Sent by my iPhone

Stirling, Bryan

From: Anel Nevarez <Anel.Nevarez@experianinteractive.com>
Sent: Monday, November 12, 2012 12:12 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Greg Young; 'Jon.Neiditz@nelsonmullins.com'; Ken Bixler; 'thad.westbrook@nelsonmullins.com'
Subject: SCDOR Stats for 11-12-12

All,

Today's numbers:

Activation: 767,477
Calls to date: 761,041
Average wait time: 6.8 min

Best,
Anel Nevarez
Account Manager - Data Breach Resolution
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Blog: www.Experian.com/blogs/data-breach
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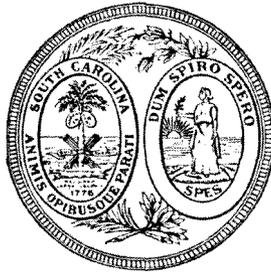
Stirling, Bryan

From: Maley, Patrick
Sent: Tuesday, November 13, 2012 11:40 AM
To: Stirling, Bryan
Subject: FW: DRAFT Press Release
Attachments: SC OIG press release 11132012.docx

From: Maley, Patrick
Sent: Tuesday, November 13, 2012 11:37 AM
To: Godfrey, Rob; Pitts, Ted; 'bryansterling@gov.sc.gov'
Subject: DRAFT Press Release

Please read & I will take any suggestions to improve so the public has the clearest message possible. I plan on sending at 4ish today. My BB cell (429-4946) is back up & my personal cell is [REDACTED]

thanks



State of South Carolina

Office of the Inspector General

November 13, 2012

PRESS RELEASE

State-Wide Information Security Initiative

The Office of Inspector General (OIG) fully endorses the Governor's executive order requesting a "holistic" review of information security (INFOSEC) policy and procedures to minimize the risk of cyber-attacks and protect the personal information of our citizens kept by state agencies. After two weeks engaged on this topic, the central issue is the state does not have a state-wide INFOSEC program. There are no mandatory state policies, standards, monitoring, or enforcement for INFOSEC in agencies of state government. The state provides a general INFOSEC policy model, but the state only has the authority to suggest each Agency tailor it to their environment. This INFOSEC policy approach coupled with the state's decentralized IT environment, creates unique challenges in understanding, controlling, and mitigating the state-wide INFOSEC risk in the over 100 entities in the Executive Branch, as well as the other branches of government.

As the initial step, informal and formal meetings between the OIG, the Division of State Information Technology (DSIT), expert consultants, and individual Agency Chief Information Officers (CIOs) culminated in a group meeting with CIOs. It was clear, as well as comforting, to see CIOs' focus and passion on this topic, as well as their self-initiated efforts within their respective Agencies to re-examine their own INFOSEC risk since the recent breach.

With advice from experts and feedback from the CIOs, the OIG, in collaboration with DSIT, launched a tasking to all Agencies. The tasking had every agency, in a systematic manner, do the following:

- Conduct short term remediation steps: Each Agency will "double check" specific INFOSEC procedures having the highest impact on lowering INFOSEC risk. Emphasis will be on reviewing these fundamentals in each agency through the new optic of the post-DOR breach world in which we now operate.
- Agency self-assessment: Each Agency CIO will complete an electronic INFOSEC self-assessment survey, as will each Agency Head from their perspective. Then, Agency Head and CIO must meet to discuss results to ensure Agency Heads are fully engaged in this state-wide issue.

- Data Classification: Locate all high risk data, primarily personal identifying information (PII) and protected health information (PHI). Additionally, request help on any PII or PHI not sufficiently secured.

A full-time task force has been established to address this state-wide INFOSEC issue. The scope of this effort will focus on the first milestone describing the current conditions “on the ground” of INFOSEC state-wide in a time-sensitive manner, then collect data to develop options and recommendations on governance models to address the INFOSEC risk. A governance model is the first step to provide a sustainable state-wide INFOSEC platform for leadership, structure/processes, and assurance that INFOSEC risk, policy, and resource needs are addressed at the state level. The OIG plans to provide actionable items in the area of governance models upon completion of this first milestone.

The second milestone will be to develop options on strategy and implementation plans. Given the necessity of subject matter expertise and experience with implementing INFOSEC programs in other state governments, a consultant(s) will be required. The implementation options will likely be a function of time and cost. Costs can be placed into two general categories: implementation costs of a state-wide INFOSEC program; and costs to mitigate risks as agencies systematically conduct risk assessments.

The OIG’s role is to synthesize data from the INFOSEC arena into a meaningful options and recommendations document to develop a road map for a “holistic” state-wide INFOSEC program in terms of governance, strategy, and costs. The IG’s role is to address organizational issues which will serve as the enabling platform for subject matter experts, armed with a strategy and an implementation plan, to build and mature a state-wide INFOSEC program to lower risks and build long-term INFOSEC capabilities.

The OIG fully understands the stress and impact of this situation on the citizens of South Carolina, which will serve as a motivator to all involved in urgently addressing this issue.

Patrick Maley
Inspector General

Stirling, Bryan

From: Anel Nevarez <Anel.Nevarez@experianinteractive.com>
Sent: Tuesday, November 13, 2012 12:43 PM
To: Stirling, Bryan
Cc: Michael Bruemmer; Ozzie Fonseca; Greg Young; 'Jon.Neiditz@nelsonmullins.com'; Ken Bixler; 'thad.westbrook@nelsonmullins.com'
Subject: SCDOR Stats for 11-13-12

All,

Today's numbers:

Activation: 778,268
Calls to date: 767,638
Average wait time: 6.5 min

Best,
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