



OFFICE OF THE ATTORNEY GENERAL  
STATE OF CONNECTICUT



OFFICE OF THE ATTORNEY GENERAL  
DISTRICT OF COLUMBIA



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS



OFFICE OF THE ATTORNEY GENERAL  
COMMONWEALTH OF PENNSYLVANIA

September 15, 2017

**SENT VIA: E-mail & First Class Mail**

Phyllis B. Sumner  
King & Spalding LLP  
1180 Peachtree Street  
Atlanta, GA 30309  
*PSumner@KSLAW.com*

Dear Ms. Sumner:

We are writing to raise our profound concerns regarding the massive data breach Equifax Inc. (“Equifax”) recently disclosed to the public. Early indications are the breach was caused by

Equifax's failure to apply a necessary patch to its software. The breach has exposed the personal information of as many as half the consumers residing in the United States and its territories. Our concerns have only been heightened by Equifax's conduct since its disclosure of the breach. The webpage Equifax has dedicated to alerting the 143 million consumers potentially affected by the breach is causing a great deal of confusion and concern. Chief among the issues causing confusion and concern are the inclusion of terms of service that required consumers to waive their rights, the offer of competing fee-based and free credit monitoring services by Equifax, and the charges consumers incur for a security freeze with other credit monitoring companies like Experian, TransUnion, and Innovis.

Initially, in order to enroll in the free credit monitoring that Equifax offered to all Americans, it appeared that Equifax attached certain conditions to the offer, including mandatory arbitration, among other things. The fact that Equifax's own conduct created the need for these services demands that they be offered to consumers without tying the offer to complicated terms of service that may require them to forgo certain rights. It was not until after urging from our offices and public condemnation that Equifax withdrew these objectionable terms from its offer of free credit monitoring.

We remain concerned that Equifax continues to market its fee-based services to consumers affected by its data breach. Consumers who view Equifax's homepage are offered both Equifax fee-based credit monitoring services, as well as its services offered at no cost. Again, at the urging of our offices and following criticism in the media, Equifax made its offer of free credit monitoring services more prominent so that it can be more easily found by consumers. Although these changes are an improvement over the site's original offering, which presented a much less prominent link when compared to Equifax's fee-based offering, they do not address all of our concerns.

We believe continuing to offer consumers a fee-based service in addition to Equifax's free monitoring services will serve to only confuse consumers who are already struggling to make decisions on how to best protect themselves in the wake of this massive breach. We object to Equifax seemingly using its own data breach as an opportunity to sell services to breach victims. Selling a fee-based product that competes with Equifax's own free offer of credit monitoring services to victims of Equifax's own data breach is unfair, particularly if consumers are not sure if their information was compromised. Equifax cannot reap benefits from confused consumers who are likely only visiting Equifax's homepage because they are concerned about whether the breach affects them and their families.

If there is any substantial benefit consumers can obtain by purchasing the fee-based services over the free credit monitoring, then we strongly suggest that Equifax upgrade its free credit monitoring service to provide equivalent protection. On the other hand, if the services are equivalent, then we fail to understand why Equifax continues to offer its fee-based services to those affected by the breach if equivalent services are obtainable at no cost. Either way, we request that Equifax disable links to its fee-based services until the sign-up period for the free service has ended. Additionally, the cutoff date of November 21, 2017 for consumers to avail themselves of the free services provided appears to us to be rather short-sighted and we suggest that date be extended to at least January 31, 2018.

Our offices are also receiving complaints from proactive consumers who have requested a security freeze. Although Equifax is not charging consumers a fee for its own security freeze service, these consumers are furious that they have been forced to pay for a security freeze with other companies, such as Experian and TransUnion, when this privacy breach was no fault of their own. We agree with these consumers that it is indefensible that they be forced to pay fees to fully protect themselves from the fallout of Equifax's data breach. Accordingly, we believe Equifax should, at a minimum, be taking steps to reimburse consumers who incur fees to completely freeze their credit. We would also like to discuss Equifax's reimbursement of additional fees consumers may incur related to freezing their credit, including removing any freeze.

We understand Equifax will not be emailing, texting or calling impacted consumers except as required in a State's respective data breach or privacy state laws. However, Equifax previously stated it would mail direct notice to a subset of impacted consumers. Kindly keep us informed of such communications, as well as any others Equifax plans to send. As a consumer protection matter, our Offices are always concerned about knock-off or rogue communications to consumers, by way of phishing or other scams.

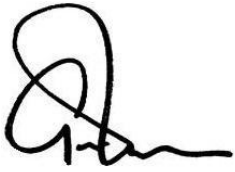
Finally, it has been generally reported that consumers are encountering long wait times or are unable to get through to your call center. We have received similar complaints from our consumers, who have also stated they cannot locate Equifax's phone number on your website. We request that you feature your call center number more prominently on [www.equifax.com](http://www.equifax.com) and [www.equifaxsecurity2017.com](http://www.equifaxsecurity2017.com). In addition, this hotline should be available 24 hours a day and properly staffed to ensure shorter wait times.

Please direct your response to Matthew Fitzsimmons, Chief, Privacy and Data Security Department, 110 Sherman Street, Hartford CT 06105 ([matthew.fitzsimmons@ct.gov](mailto:matthew.fitzsimmons@ct.gov)), Philip D. Ziperman, Director, Office of Consumer Protection, 441 4<sup>th</sup> Street, N.W., Suite 600-S, Washington, DC 20001 ([philip.ziperman@dc.gov](mailto:philip.ziperman@dc.gov)), John Abel, Senior Deputy Attorney General, 15th Floor, Strawberry Square, Harrisburg, PA 17120 ([jabel@attorneygeneral.gov](mailto:jabel@attorneygeneral.gov)), and Matthew W. Van Hise, Consumer Privacy Counsel, 500 South Second Street, Springfield, IL 62706 ([mvanhise@atg.state.il.us](mailto:mvanhise@atg.state.il.us)).

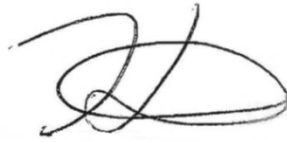
Please also advise us when you are available to meet with our staff to address the issues outlined here and our inquiry into the data breach going forward.

We look forward to hearing from you.

Very truly yours,



GEORGE JEPSEN  
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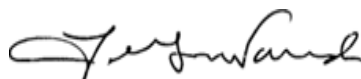
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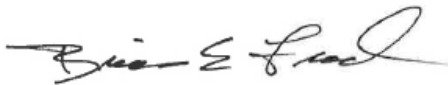
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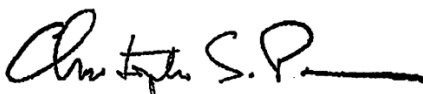
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