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ATTORNEY GENERAL



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Office of The Attorney General
State of Connecticut

January 4, 2012

James M. Strother
Senior Executive Vice President & General Counsel
Wells Fargo & Company
420 Montgomery Street
San Francisco, CA 94163

By hard copy and fax: (866) 494-1598

Dear Mr. Strother:

I write concerning recent news reports indicating that Wells Fargo & Company ("Wells") may have improperly disclosed the Social Security Numbers of Connecticut residents to persons unauthorized to receive them. Reportedly, Social Security Numbers of multiple individuals, together with other identifying information, were included on at least two subpoenas issued to Wells by the Connecticut Department of Social Services ("DSS"). Reports also suggest that Wells provided unredacted copies of the subpoenas to each customer listed in them, thereby exposing to each the private information of multiple other individuals.

Connecticut law requires persons or entities in possession of social security numbers to safeguard them. *See, e.g.*, Conn. Gen. Stat. § 42-471.¹ Disclosure of the subpoenas without the redaction of sensitive information such as Social Security Numbers raises concerns about the security of Connecticut consumers' personal information.

I understand that the subpoenas were issued to Wells by DSS pursuant to Connecticut General Statutes § 17b-137. That section permits the Commissioner of Social Services to compel production of financial records of individuals who have applied for or received public assistance benefits. I note that Conn. Gen. Stat. § 36a-43, which entitles individuals under certain circumstances to receive copies of subpoenas seeking their financial records, explicitly does not apply to subpoenas issued by DSS pursuant to § 17b-137.²

¹ Note that inclusion of Social Security Numbers in a subpoena by DSS is not prohibited by Conn. Gen. Stat. § 42-471, which does not apply to any "agency or subdivision of the State."

² I also note that the federal Right to Financial Privacy Act ("RFPA"), which also provides account holders a right to notice of subpoenas issued by a "government authority" for financial records under certain circumstances, similarly does not appear to apply to subpoenas issued by state agencies. The subpoenas here and the production in response

Thus, my initial review suggests that neither Connecticut nor federal law required Wells to disclose DSS's subpoenas to the customers whose records were sought therein. Nor am I aware of any reason to conclude that Wells was prohibited from redacting other individuals' information from subpoenas it chose to disclose to its customers. If you believe this interpretation to be incorrect, please provide a detailed explanation of your position.

It is vital that you provide further information to my office concerning this matter so that I may determine the appropriateness of Wells' conduct and whether Wells must provide affected individuals with protections against identify theft or other harms. In particular, please confirm whether Wells did disclose to any account holder the Social Security Numbers or other identifying information of other individuals listed in DSS subpoenas. If so, please explain the circumstances of, and any reasons for, such disclosure. In order to protect the integrity of any on-going investigations by DSS or others, please provide this information without identifying any individual whose records were sought in DSS's subpoenas or divulging the number of such individuals.

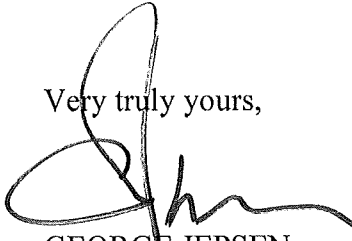
In addition, please describe what internal protections, if any, were in place within Wells to protect the information of its customers from being sent to individuals without authorization, particularly under circumstances reportedly involved in this incident. Further, please provide an outline of any plan you have developed to prevent the recurrence of any such incident and a timeline for implementing that plan.

I also ask that you provide information concerning any offer of credit monitoring, identity theft insurance and security freeze reimbursement you will make to affected individuals. Because the facts of this situation have heretofore been gleaned only from published reports, and because I have not had the opportunity to hear Wells' response to the reports, I am not yet in a position to demand that such protections be provided. If these reports are accurate, however, this situation fits squarely within the category of data breaches in which I demand protections for affected individuals.

thereto is regulated by Connecticut law because DSS is a state agency and thus falls outside the definition of "governmental authority" in RFPA. *See* 12 U.S.C. § 3401(3) (governmental authority means only "any agency or department of the United States, or any officer, employee, or agent thereof."); *see also, e.g., Wright v. Liguori*, 2011 U.S. App. LEXIS 19564, at *5 (3d Cir. September 23, 2011) ("[The] RFPA limits the definition of 'Government authority' to 'any agency or department of the United States, or any officer, employee, or agent thereof.' . . . As the information here was provided to a state official, the RFPA does not apply.") (citations omitted)

Please provide your response no later than January 9, 2011, to Assistant Attorney General Matthew Fitzsimmons at 110 Sherman Street, Hartford, Connecticut 06105. Should you have any questions, you may contact AAG Fitzsimmons at (860) 808-5400. I appreciate your cooperation in this matter and look forward to hearing from you.

Very truly yours,



GEORGE JEPSEN