

State of Connecticut

GEORGE C. JEPSEN
ATTORNEY GENERAL



Hartford

April 5, 2011

Sent via first-class mail and e-mail to: jfeldman@goodwin.com

Joan W. Feldman, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Re: Midstate/Hartford Hospital Data Breach

Dear Ms. Feldman:

I was recently made aware of the recent loss of a hard drive apparently containing the protected health information (PHI) and personal information (PI) of thousands of Midstate Hospital and/or Hartford Hospital ("Midstate/Hartford") patients. It is my understanding that an employee took the hard drive home and it was subsequently lost. I am particularly concerned that breaches of this sort do not reoccur and that affected individuals are provided sufficient protections to safeguard their information from any further unauthorized disclosures.

Critical facts remain unclear to me, the cause of the breach, the attempts made to locate the missing hard drive, and whether new procedures have been adopted to prevent future data breaches. Accordingly, I request that you provide answers to the questions below. Unless otherwise noted, for the purposes of the questions below, "You" and "Your" refer to Midstate and/or Hartford Hospital, as the circumstances warrant. Please provide responses to the following by April 15, 2011:

1. Please identify the corporate/business entity that was responsible for this data breach.
2. Please describe in detail who took the hard drive home, and for what purpose(s) the hard drive was removed from Your premises.
3. Please identify and provide copies of Your policies and procedures relative to an employee removing storage devices (including, but not limited to, hard drives) from Your business premises.
4. Please describe in detail the facts and circumstances of the data breach, including a timeline of events up to and including any notification to affected individuals.

5. Please identify overall number of individuals affected by this data breach, and separately identify the number of Connecticut residents affected.
6. Please provide the date by which You expect all notification letters to be sent to affected individuals, and please provide a copy of such notification.
7. Please explain in detail why notifications to affected individuals were not sent out until almost two months had passed from the date the hard drive was known to be missing.
8. Please identify each category of information that was contained on the missing hard drive.
9. Please identify the categories of information pertaining to Connecticut residents, and in particular what forms of PHI/PI were contained on the missing hard drive.
10. Please describe the purpose of storing this PHI/PI on this particular device.
11. Please describe the efforts and methodology taken to determine the contents of the missing hard drive.
12. What security protections, if any, were employed to protect the information stored on the missing hard drive?
13. Prior to this breach, what measures did You take to safeguard patients' information, including that information contained on the missing hard drive?
14. Please describe all steps that You have taken to locate the missing hard drive and prevent further use or dissemination of the information contained thereon.
15. Please provide a copy of any internal or third party investigative report or audit performed by or for You relative to this breach.
16. Please explain in detail what plans, if any, You are making for compliance with breach notifications under the Health Information Technology for Economic and Clinical Health Act and related Rules and Regulations for persons who have questions after notice is received
17. Have You conducted an audit of portable storage devices, including, but not limited to, laptops, hard drives, and smart phones, to determine compliance with security requirements? If not, please explain whether and when You plan to do so.

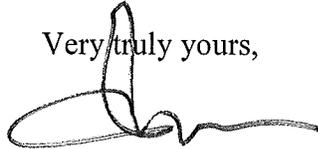
18. Please provide an outline of the plan You have developed to prevent the recurrence of such a breach and a timeline for implementing that plan.
19. Please describe Your general policies regarding securing hard drives, servers, systems and databases containing files with PI and PHI, as well as Your policies regarding workforce compliance.

Given the circumstances of this incident, I believe at the very least, Midstate/Hartford should provide the affected individuals with two (2) years of credit monitoring services, together with an appropriate amount of identity theft insurance. Midstate/Hartford should also permit them to place a "security freeze" on their credit reports, and to thaw the freeze, at its expense.

These protections, of course, are entirely separate from any potential enforcement actions. We reserve all of our rights in that regard.

I appreciate your cooperation in this matter and look forward to hearing from you. The information requested herein should be sent 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 or Matthew.Fitzsimmons@ct.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "George Jepsen". The signature is fluid and cursive, with a large initial "G" and a long horizontal flourish at the end.

GEORGE JEPSEN