

# Appendix 6

## Declaration of Experian

*In re: Equifax Inc. Customer Data Security Breach Litigation,*  
No. 17-md-2800-TWT (N.D. Ga.)

Plaintiffs' Motion for Final Approval of Settlement

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE EQUIFAX, INC. CUSTOMER  
DATA SECURITY BREACH  
LITIGATION

MDL DOCKET NO. 2800  
1:17-md-2800-TWT

CONSUMER TRACK

**DECLARATION OF JOE ROSS**

I, Joe Ross, depose and state as follows:

1. I am over the age of twenty-one (21), and I am competent in all respects to make this declaration. The facts stated in this declaration are within my personal knowledge and are true.

2. I am a senior executive of Experian. I have been in this role since 2016, and I have over 10 years of experience working in the credit monitoring and identity protection industry. My responsibilities at Experian include the development of the services discussed in this declaration, as well as the provision of such services to assist companies that have suffered a data breach.

3. I am familiar with the Experian IDnotify credit monitoring and identity protection services offered to certain consumers whose personal information was

impacted in the data security incident Equifax Inc. (“Equifax”) announced on September 7, 2017.

4. I am also familiar with the three-bureau credit monitoring and identity protection services that would be provided as part of the proposed class action settlement (“Proposed Settlement”) in the matter *In re Equifax, Inc. Customer Data Security Breach Litigation*, Case No. 17-MD-2800 (N.D. Ga.) (“*In re Equifax*”), which involves claims against Equifax by consumers who had their personal information impacted in the 2017 Equifax data security incident.

**I. IDnotify Credit Monitoring and Identity Protection Services**

5. I understand that following its announcement of the data security incident on September 7, 2017, Equifax offered to all U.S. consumers the ability to enroll in TrustedID Premier credit monitoring and identity protection services, free of charge for 12 months, provided by TrustedID, Inc. (“TrustedID”), a wholly owned subsidiary of Equifax.

6. Equifax subsequently offered Experian’s IDnotify credit monitoring and identity protection services to consumers who (i) had their personal information impacted in the above data security incident and (ii) had previously enrolled in TrustedID Premier.

7. Specifically, impacted consumers who were already enrolled in TrustedID Premier services were given the opportunity to extend their services with Experian's IDnotify, which was provided to them free of charge for at least an additional 12 months after their TrustedID Premier services expired.

8. Experian's IDnotify provides:

- a. Internet surveillance and "dark web" monitoring for personal information;
- b. Three-bureau credit monitoring with alerts for new inquiries, newly opened accounts, and key changes on a consumer's credit reports at Experian, Equifax, and TransUnion;
- c. A copy of the consumer's Experian credit report;
- d. Access to the Experian CreditLock feature which allows a consumer to instantly lock and unlock his or her Experian credit report; and
- e. Identity theft insurance providing up to \$1 million to help cover certain costs if an enrolled consumer becomes a victim of identity theft.

9. IDnotify is designed to protect consumers by alerting them to potential fraudulent misuse of their personal information.

## **II. Experian Services Provided in the Proposed Settlement**

10. The Proposed Settlement in the *In re Equifax* proceedings would provide settlement class members with Experian three-bureau credit monitoring and identity protection services for at least four (4) years and identity restoration services for at least seven (7) years.

***A. Credit Monitoring and Identity Protection Services***

11. The Experian credit monitoring and identity protection services provided in the Proposed Settlement include a comprehensive suite of features that were selected to provide broad coverage to enrolled settlement class members.

12. For adult settlement class members 18 years or older, the services include the following features:

- a. Daily monitoring of a settlement class member's credit report from each of the three nationwide consumer reporting agencies (Equifax, Experian, and TransUnion) for key changes to one or more of the settlement class member's credit reports, including automated alerts when the following occur:
  - i. new accounts are opened;
  - ii. inquiries or requests for the settlement class member's report for the purpose of obtaining credit;
  - iii. changes to the settlement class member's address;

- iv. negative information, including delinquencies or bankruptcies;  
and
  - v. when a balance is reported on a settlement class member's credit  
line that has been inactive for at least six months.
- b. On-demand online access to a free copy of the settlement class  
member's Experian credit report, updated on a monthly basis.
- c. Automated alerts, using public and proprietary data sources, to notify a  
settlement class member when his or her personal information may  
have been used for fraudulent purposes, including:
- i. when data elements submitted by the settlement class member  
(such as Social Security number, email address, or credit card  
number) are discovered on suspicious websites, including  
underground web sites known as the "dark web";
  - ii. when names, aliases, and addresses have been associated with  
the settlement class member's Social Security number;
  - iii. when a payday loan or certain other unsecured credit has been  
taken or opened using the settlement class member's Social  
Security number;

- iv. when a settlement class member's information matches information in arrest records or criminal court records;
  - v. when a settlement class member's information is used for identity authentication;
  - vi. when a settlement class member's mail has been redirected through a change of address; and
  - vii. when banking activity is detected related to new deposit account applications, opening new deposit accounts, changes to a settlement class member's personal information on an account, and new signers being added to a settlement class member's account.
- d. \$1 million dollars in identity theft insurance to cover loss related to a stolen identity event.
  - e. Customer support provided by Experian through a customer care center that is available for extended hours seven days a week.

13. These credit monitoring and identity protection services are designed to protect enrolled settlement class members by, among other things, alerting them when their personal information is potentially being used for fraudulent purposes.

14. For example, by notifying a settlement class member of key changes to his or her consumer credit report, the services help identify fraudulent activity, such as when a fraudulent new account is opened in the settlement class member's name or new fraudulent credit card applications are made.

15. Further, with the free monthly Experian credit report included in the Experian services offered in the Proposed Settlement, settlement class members are given the opportunity to review their credit report on a regular basis to look for inaccuracies or signs of fraud.

16. As noted above, beyond monitoring an enrolled settlement class member's credit reports at the three nationwide consumer reporting agencies, the Experian services also provide comprehensive monitoring—including through the use of proprietary technology—of expansive data sources that individuals generally cannot manually monitor themselves. The services include various non-consumer report-related alerts such as financial account takeover notifications, change of address notifications, court records notifications, payday loan notifications, and dark web monitoring. These alerts are also designed to help consumers in detecting potential misuse of their personal information.

17. For example, financial account takeover notifications monitor for activity in demand deposit accounts such as new deposit account applications,



openings, and changes made to account holder's personal information (including address). When questionable activity is detected, the service alerts the consumer of the activity.

18. The Experian services will also provide other important notifications to a consumer, such as when a payday loan is obtained using the consumer's Social Security number, when the consumer's mail is redirected through a change of address, and when the consumer's name and date of birth appear in criminal and court records.

19. CyberAgent, Experian's proprietary Internet surveillance technology, monitors dark web internet activity for the trading and/or selling of a consumer's personal information. CyberAgent searches networks, chat rooms, thousands of websites, black market forums, file sharing sites, and millions of data points worldwide for stolen personal information. CyberAgent can monitor the trading or selling of a consumer's personal information occurring within or outside of the U.S.

20. CyberAgent is a leading dark web monitoring technology used by numerous solution providers in the identity protection space.

21. The Experian services also include Experian CreditLock, an easy-to-use consumer initiated locking and unlocking of the consumer's Experian credit file.

22. The CreditLock blocks hard inquiries that could result in the extension of credit or the opening of some new accounts, giving the consumer more control over their Experian credit file while protecting them from potential fraudulent account openings. While the consumer's credit file is locked, Experian will also monitor the consumer's Experian credit file for attempted inquiries and new lock / unlock activity, and send alerts to the consumer in real time when that activity is detected.

23. All of the features offered in the Experian services work together to provide broad protection to settlement class members and help them identify potential fraud and misuse of their personal information.

24. In the event that a stolen identity event occurs, the insurance provided with the Experian services can help settlement class members by covering expenses associated with recovering from an identity theft event.

25. Even if a settlement class member already has credit monitoring services (including Experian services), he or she can still take advantage of the Experian services offered in the Proposed Settlement, which may offer certain additional features the settlement class member may not have with their other services.

26. The Experian credit monitoring and identity protection services would be provided to settlement class members for a period of at least four (4) years.

***B. Identity Restoration Services***

27. In addition to the credit monitoring and identity protection services described above, the Proposed Settlement would provide settlement class members with identity restoration services through Experian if the settlement class member experiences an identity theft event. These services include assignment of a dedicated identity theft restoration specialist and assistance in communicating with companies, government agencies, consumer reporting agencies, and others regarding the identity theft event.

28. These restoration services compliment the credit monitoring and identity protection services described above by providing assistance and expertise in the event that a settlement class member experiences an identity theft event.

29. The restoration services would be provided to all settlement class members for a period of at least seven (7) years.

***C. Minor Services***

30. For minor settlement class members under age 18, a parent or legal guardian can enroll the settlement class member in the following Experian services:

a. While the settlement class member is under 18, they can receive minor identity protection services as follows: (i) alerts when certain personal information submitted for monitoring appears on suspicious websites, including underground websites known as the dark web; and (ii) alerts when the minor's Social Security number is associated with new names or addresses for the creation of a consumer report.

b. Upon turning 18, the settlement class member can enroll in the full Experian credit monitoring and identity protection services described above. Or, if a settlement class member under the age of 18 has an Experian credit file with sufficient detail to permit authentication, a parent or guardian may enroll them in the full Experian three-bureau credit monitoring and identity protection services prior to their eighteenth birthday.

31. These identity protection services are carefully designed to address privacy risks specific to minors, who may not yet have a consumer report at the nationwide consumer reporting agencies.

32. Additionally, minor settlement class members are able to use the Experian identity restoration services in the event that they have their identity compromised.

***D. Benefits to Settlement Class Members***

33. Experian has regularly provided credit monitoring and identity protection services to consumers on behalf of companies and organizations that have suffered data breaches for well over a decade. Experian is one of the largest providers of such services, protecting consumers in some of the largest data breaches to date.

34. The suite of features included in the Experian services offered in the Proposed Settlement is among the most comprehensive set of features offered in an Experian breach product.

35. Additionally, the Experian services offered in the Proposed Settlement include many features—such as three-bureau monitoring, insurance, notification of financial account takeover, change of address, and court records, and Social Security number monitoring—that are not included in typical free credit monitoring services that are currently available, such as those a consumer may be offered in connection with a credit card or free credit score product. These are features generally included only in the most robust, paid monitoring products.

36. For example, banks and free credit score providers that offer their customers free credit monitoring typically offer only single-bureau or two-bureau monitoring, as compared to the Experian credit monitoring services offered in the Proposed Settlement which will monitor credit files at all three nationwide consumer reporting agencies for comprehensive coverage.

37. Monitoring a consumer's credit file at all three nationwide consumer reporting agencies can provide consumers with alerts to activities, such as a credit inquiries, that may be directed only to one credit reporting agency.

38. Free services offered by banks and other third parties also do not typically include comprehensive monitoring of other non-credit data sources like financial account information, public records information, payday loan activity, court and criminal records, and address information.

39. By providing comprehensive monitoring of these additional data sources—which consumers cannot “freeze” or automatically monitor themselves—the Experian services included in the Proposed Settlement can provide broader protection than almost any free services currently available and that settlement class members may already have.

40. The Experian services also include \$1 million in identity theft insurance and identity restoration services, which are not included in most free services.

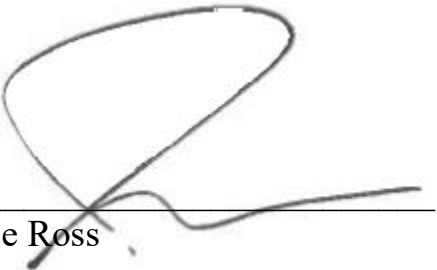
41. The features included in the Experian services are particularly helpful for consumers concerned about identity theft, because they are designed to quickly help identify fraudulent misuse of a consumer's personal information.

42. Experian is a global company, with annual revenues of over \$4.8bn, that provides data related services to businesses and consumers. Experian operates within a strict security and risk management framework. This comprises policies, processes and controls on data use, as well as continuous monitoring and testing. These safeguards serve to protect the information provided by consumers in connection with their use of the Experian services.

43. Although it contains certain additional features, Experian's IdentityWorks Premium with child monitoring is Experian's most comparable retail product to the Experian services provided in the Proposed Settlement. This is the tier of Experian's retail products that provides for three-bureau credit monitoring and child monitoring. This product retails for \$24.99 per month.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 5th day of December, 2019.

  
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Joe Ross