

# Targeting Identity Theft

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Now that the holidays are over, we can dread going to the mailbox to get all of the bills for the stuff we bought. And possibly bills for some stuff we didn't buy.

Last month Target Corp. revealed that data linked to about 40 million credit and debit card accounts was stolen between November 27 and December 15, three of the busiest shopping weeks of the year. The security breach is the second largest in history, only behind a hack involving 45.7 million customers of retailer TJX Cos.

Target is the nation's second largest discounter. Based in Minneapolis, Target has almost 1,800 locations in the U.S. and 124 in Canada. As a result of the breach, the retailer announced that the Department of Justice is investigating the incident and Target is cooperating with the investigation.

In addition to the DOJ probe, Target is also enlisting the assistance of the U.S. Secret Service for its own internal investigation of the breach. While company spokesmen did not indicate how its information was hacked, they did reveal that the operation was "sophisticated."

The company's general counsel, Timothy Baer, also held a conference call with the attorneys general from several states to update them on the status of the cyber-attack.

As if dealing with the DOJ, the Secret Service and several states' attorneys general isn't enough, two Democratic U.S. Senators, Richard Blumenthal of Connecticut and Chuck Schumer of New York, wrote a letter to the U.S. Federal Trade Commission asking the agency to investigate the breach. In the letter, the Senators claimed that by failing to adequately protect consumer information, Target "denied customers the protection that they rightly expect when a business collects their personal information."

To help appease customers and to try to lure them back to stores, Target did apologize and even offered a 10% discount the weekend after the breach was revealed.

Not everyone was placated, however. As a result of the breach, Target is also facing at least two dozen lawsuits filed in federal courts all across the country. The suits, many of which are seeking class action status, were filed by consumers who claim their information was stolen. The suits further allege that Target either failed to properly secure the customer data, did not promptly notify customers of the breach, or both.

While individual shopper's credit card information may have been stolen, that doesn't necessarily mean they will prevail in a lawsuit. In addition to the theft, the plaintiffs must also prove they were damaged by Target's actions.

To achieve class action status, the plaintiffs must show that other members of "the class" were similarly damaged, that the plaintiffs are typical of and can adequately represent the class, and that filing individual lawsuits would be impractical.

One thing's for sure: as a result of the breach, Target is certainly living up to its name.

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