

MinterEllison

L A W Y E R S

12 October 2011

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Mr Patrick Webster

Dear Sir

Unauthorised access to member statements

We act for FSS Trustee Corporation (**Trustee**), the trustee of the First State Super scheme (**Fund**).

We refer to your email dated 22 September 2011 to Mr Adam Jarrett of Pillar, the Fund's administrator, in which you described your unauthorised access to the statements of approximately 568 other members of the Fund.

Whilst you have indicated that your actions were motivated by an attempt to show that it is possible for a wrongdoer to obtain unauthorised access to Pillar's systems, your actions may themselves be considered a breach of section 308H of the *Crimes Act 1900* (NSW) and section 478.1 of the *Criminal Code Act 1995* (Cth). You should be aware that due to the serious nature of your actions, this matter has been reported to the NSW Police.

Further, as a member of the Fund, your online access is subject to the terms and conditions of use which are outlined on the Fund's website. Your unauthorised access also constitutes a breach of those terms and has caused the Trustee to expend members funds in dealing with this matter. Please note the Trustee has the right to seek recovery from you for the costs incurred in accordance with those terms.

The Trustee requires from you an undertaking, signified by signing and returning a copy of this letter to us by seven (7) days, that:

- (a) you will destroy and delete all data and records (whether on your computer or otherwise) to which you have gained unauthorised access; and
- (b) if you again are granted online access to the Member Section of the Fund's website, you will not access any further data or records other than information relating to your account in accordance with the terms and conditions upon which you have been granted access.

In addition, the Trustee reserves its rights to require you to allow it's IT personnel to examine your computer during business hours to verify that all data and records on your computer have been destroyed or deleted.

In the meantime, the Trustee has suspended your online access to the Member Section of the Fund's website.

We look forward to your early response.

Yours faithfully
MINTER ELLISON



Maged Girgis
Partner

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Our reference: MXGI

I, Patrick Webster, give the following undertakings:

- (a) I will destroy and delete all data and records (whether on my computer or otherwise) to which I have gained unauthorised access;
- (b) if I am again granted online access to the Member Section of the Fund's website, I will not access any further data or records other than information relating to my account in accordance with the terms and conditions upon which I have been granted access; and
- (c) at the request of the Trustee, allow the Trustee's IT personnel to examine my computer during business hours to verify that all data and records to which I have gained unauthorised access on my computer have been destroyed or deleted.

Signed:.....

Dated:.....