



February 18, 2012

(Address)

Dear (Name),

Rubio's is writing to regrettably inform you that your personal information may have been obtained by unauthorized third parties. On February 5, 2012, a CD-ROM containing a list of certain people who owned equity shares in Rubio's Restaurants, Inc. was taken offsite by a third-party vendor, BDO USA, LLP. Rubio's contracted with BDO to perform financial auditing services. A BDO employee removed the CD-ROM from site, where they believe it was stolen from her vehicle. This was a breach of protocol employed by both Rubio's and BDO. Rubio's and BDO are working together to ensure that security procedures are heightened so that this breach does not reoccur.

The CD-ROM contains a partial equity roll, which includes names and social security numbers. Rubio's understands your name was included on the CD-ROM which was stolen. The theft occurred in the Pacific Beach area of San Diego, California. Rubio's is diligently working with BDO and law enforcement to recover the property and to identify and prosecute those responsible for the theft. Rubio's does not presently know whether the thieves have any intention or means of committing identity theft, but you should contact all banks, financial institutions, and credit companies with whom you conduct business and alert these institutions of the theft.

You should also contact one of the three major credit bureaus to monitor your credit report for any suspicious activity. You should immediately notify the credit bureaus if your credit reports show anything suspicious. You should also closely monitor your bank and credit card accounts. The credit bureaus can be contacted as follows:

Experian
(888) 397-3742
P.O. Box 9530
Allen, TX 70513

Equifax
(800) 685-1111
P.O. Box 740241
Atlanta, GA 30374

TransUnion
(800) 888-4213
P.O. Box 105281
Atlanta, GA 30348-5281

BDO is offering to enroll you in free credit monitoring and insurance for one year at your request. BDO will send you information within a separate letter on how to enroll in the program. Rubio's offers its most sincere apology for this unfortunate incident and is diligently working to ensure this never happens again. If you have any questions pertaining to this event, please contact the Senior Risk Manager, Heidi Bastien.

Sincerely,

Heidi Bastien

Rubio's Restaurants, Inc. | 1902 Wright Place, Ste 300 | Carlsbad, CA 92008
hbastien@rubios.com | o: (760) 602-3673 | f: (760) 602-5134 | c: (858) 349-3008



February 28, 2012

(Address)

Dear (Name),

Rubio's is writing to regrettably inform you that certain personal information of yours may have been obtained by unauthorized third parties, although this information is believed to be harmless. On February 5, 2012, a CD-ROM containing a list of certain Rubio's workers' compensation claimants was taken offsite by a third-party vendor, BDO USA, LLP. Rubio's contracted with BDO to perform financial auditing services. A BDO employee accidentally removed the CD-ROM from site, where it may have been stolen from her vehicle. Rubio's and BDO are working together to ensure that security procedures are heightened so that this type of event does not reoccur.

The CD-ROM contains certain information on workers compensation claimants, which includes claim numbers, date of loss, medical status and names. The medical status portion is very brief, consisting of a one-line summary of the employees' claim for injuries or illnesses. Please be assured that sensitive information such as social security numbers, addresses, telephone numbers, doctors' diagnoses and doctors' treatments **were not included on the CD-ROM.**

We understand your name was included on the CD-ROM which may have been stolen. The theft reportedly occurred in the Pacific Beach area of San Diego, California. Rubio's is diligently working with BDO and law enforcement to recover the property and, if in fact a theft occurred, to identify and prosecute those responsible. While it is highly doubtful that the compromised information can be used to harm you in any way, you should remain vigilant with all banks, financial institutions, and credit companies with whom you conduct business.

You should also contact one of the three major credit bureaus to monitor your credit report for any suspicious activity. You should immediately notify the credit bureaus if your credit reports show anything suspicious. You should also closely monitor your bank and credit card accounts. The credit bureaus can be contacted as follows:

Experian
(888) 397-3742
P.O. Box 9530
Allen, TX 70513

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P.O. Box 740241
Atlanta, GA 30374

TransUnion
(800) 888-4213
P.O. Box 105281
Atlanta, GA 30348-5281

BDO is offering to provide you with free credit monitoring and fraud insurance for one year. The enclosed letter from BDO will provide you with instructions on how to enroll in the program. Rubio's offers its most sincere apology for this unfortunate incident and is diligently working to ensure that this never happens again.

Sincerely,

Heidi Bastien
Senior Manager