

Representing Management Exclusively in Workplace Law and Related Litigation

jackson lewis
Attorneys at Law

Jackson Lewis P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960
Tel. 973-538-6890
Fax. 973-540-9015
www.jacksonlewis.com
Richard J. Cino - Managing
Partner

ALBANY, NY	DETROIT, MI	MINNEAPOLIS, MN	PORTSMOUTH, NH
ALBUQUERQUE, NM	GREENVILLE, SC	MORRISTOWN, NJ	PROVIDENCE, RI
ATLANTA, GA	HARTFORD, CT	NEW ORLEANS, LA	RALEIGH-DURHAM, NC
AUSTIN, TX	HOUSTON, TX	NEW YORK, NY	RICHMOND, VA
BALTIMORE, MD	INDIANAPOLIS, IN	NORFOLK, VA	SACRAMENTO, CA
BIRMINGHAM, AL	JACKSONVILLE, FL	OMAHA, NE	ST. LOUIS, MO
BOSTON, MA	LAS VEGAS, NV	ORANGE COUNTY, CA	SAN DIEGO, CA
CHICAGO, IL	LONG ISLAND, NY	ORLANDO, FL	SAN FRANCISCO, CA
CINCINNATI, OH	LOS ANGELES, CA	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	MEMPHIS, TN	PHOENIX, AZ	STAMFORD, CT
DALLAS, TX	MIAMI, FL	PITTSBURGH, PA	WASHINGTON DC REGIO
DENVER, CO	MILWAUKEE, WI	PORTLAND, OR	WHITE PLAINS, NY

FAX

To: Joseph Foster
Company: Office of the Attorney General
Fax: (603) 271-2110 **Tel #:** (603) 271-3658
cc:
From: Joseph J. Lazzarotti, Esq.
Sender: Lynne
Subject: Benchmark Senior Living - Data Breach
Date: June 22, 2016
Client/Matter #: 102720
Pages: 5
Original: ☒ Will Follow ☐ Will Not Follow

MESSAGE: Please see attached.

4834-0210-6419, v. 1

Please contact Lynne if there are any problems with this transmission.

Confidentiality Note: This facsimile contains privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

Representing Management Exclusively in Workplace Law and Related Litigation

jackson lewis

Attorneys at Law

JOSEPH J. LAZZAROTTI
EMAIL: LAZZAROTTI@JACKSONLEWIS.COM

Richard J. Cho - Managing Shareholder

Jackson Lewis P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960-6834
Tel 973 538-6890
Fax 973 540-9015
www.jacksonlewis.com

ALBANY, NY	GREENVILLE, SC	MONMOUTH COUNTY, NJ	RALEIGH, NC
ALBUQUERQUE, NM	HARTFORD, CT	MORRISTOWN, NJ	RAPID CITY, SD
ATLANTA, GA	HONOLULU, HI*	NEW ORLEANS, LA	RICHMOND, VA
AUSTIN, TX	HOUSTON, TX	NEW YORK, NY	SACRAMENTO, CA
BALTIMORE, MD	INDIANAPOLIS, IN	NORFOLK, VA	SALT LAKE CITY, UT
BIRMINGHAM, AL	JACKSONVILLE, FL	OMAHA, NE	SAN DIEGO, CA
BOSTON, MA	KANSAS CITY REGION	ORANGE COUNTY, CA	SAN FRANCISCO, CA
CHICAGO, IL	LAS VEGAS, NV	ORLANDO, FL	SAN JUAN, PR
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	ST. LOUIS, MO
DALLAS, TX	MADISON, WI	PITTSBURGH, PA	STAMFORD, CT
DAYTON, OH	MEMPHIS, TN	PORTLAND, OR	TAMPA, FL
DENVER, CO	MIAMI, FL	PORTSMOUTH, NH	WASHINGTON, DC REGION
DETROIT, MI	MILWAUKEE, WI	PROVIDENCE, RI	WHITE PLAINS, NY
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

*through an affiliation with Jackson Lewis P.C., a Law Corporation

June 22, 2016

VIA OVERNIGHT MAIL
AND FAX: (603) 271-2110Joseph Foster
Office of the Attorney General
33 Capitol Street
Concord, NH 03301Re: Data Breach Notification

Dear Attorney General Joseph Foster:

Please be advised that on June 14, 2016, Benchmark Senior Living ("Company") discovered a potential data breach when it learned of an intrusion into the company's systems affecting payroll data.

The personal information potentially included in the incident included name, address, social security number and bank account information. It appears that a total of 218 individuals could have been affected, including 121 residents of New Hampshire. Immediately upon discovering the incident, the Company took steps to determine the scope of the incident and who was affected. On June 16, the Company confirmed the intrusion and plans to begin notifying these individuals shortly. A draft copy of the notification that will be sent is attached.

As set forth in the attached letter, the Company is taking steps to help these individuals protect the security of their personal information, including providing 12 months of credit monitoring services at no cost. Also, in addition to continuing to monitor this situation, the Company is reexamining its current data privacy and security policies and procedures to find ways of reducing the risk of future data breaches of this kind. Should the Company become aware of any significant developments concerning this situation, we will inform you.

Please call me if you have any questions.

Sincerely,

JACKSON LEWIS P.C.


Joseph J. Lazzarotti

Encl.

102720 4852-4081-1059, v. 2

June 22, 2016

XXX
YYY
ZZZ

Re: Important Notice Regarding Your Personal Data;
Offer of Credit Protection Service

Dear ____:

As you may recall, you authorized Benchmark Senior Living to make automatic payroll deposits to your bank account. Information about you and your account is maintained in the company's payroll records. Benchmark strives to keep these records secure and private, knowing how sensitive such information is today.

We are writing to inform you that we recently learned of a computer data security incident involving unauthorized access to your personal information, including possibly your name, bank account data, your Social Security number, and other identifying information. This incident appears to have involved a limited number of associates, including some at your community. After becoming suspicious of computer activity late in the day on June 14, 2016, we commenced an investigation and, on June 16, determined that this activity was initiated outside of the company. At this point, we believe the incident occurred only on June 14. We immediately took steps to secure our computer systems and made changes to how our systems may be accessed. Fortunately, we prevented the diversion of any payroll funds. We have alerted the appropriate law enforcement authorities and will cooperate in their investigation.

At this point, we are not aware of any misuse of your personal information. However, in an abundance of caution, we want to make you aware of this incident so that you can take steps to protect yourself and minimize the possibility of misuse of your information. The attached sheet describes steps you can take to protect your identity, credit and personal information.

We are also offering a one-year membership with Experian's® ProtectMyID® Alert, at no cost to you. This product helps detect possible misuse of your personal information and provides you with identity protection support, focused on immediate identification and resolution of identity theft. You can activate Experian's ProtectMyID service by doing the following:

1. ENSURE That You Enroll By: September 30, 2016 (Your code will not work after this date.)
2. VISIT the ProtectMyID Web Site to enroll: www.protectmyid.com/alert
3. PROVIDE Your Activation Code: XXXXXX

If you have questions or need an alternative to enrolling online, please call (877) 297-7780 and provide engagement #: XXXXXX

If you choose to activate your ProtectMyID membership, you will receive the following features:

- **Free copy of your Experian credit report**
- **Surveillance Alerts for:**
 - **Daily Bureau Credit Monitoring:** Alerts of key changes & suspicious activity found on your Experian credit report.
- **Identity Theft Resolution & ProtectMyID ExtendCARE:** Toll-free access to US-based customer care and a dedicated Identity Theft Resolution agent who will walk you through the process of fraud resolution from start to finish for seamless service. They will investigate each incident; help with contacting credit grantors to dispute charges and close accounts including credit, debit and medical insurance cards; assist with freezing credit files; contact government agencies.
 - It is recognized that identity theft can happen months and even years after a data breach. To offer added protection, you will receive ExtendCARE™, which provides you with the same high-level of Fraud Resolution support even after your ProtectMyID membership has expired.
- **\$1 Million Identity Theft Insurance*:** Immediately covers certain costs including, lost wages, private investigator fees, and unauthorized electronic fund transfers.

We apologize for this situation and any inconvenience it may cause you. We treat all sensitive employee information in a confidential manner and are proactive in the careful handling of such information. We continue to assess and modify our privacy and data security policies and procedures to prevent similar situations from occurring.

If you have questions or concerns regarding this matter, please contact XXX, the Senior Human Resources Director for your community, at XXX or XXX, or feel free to let me know.

Sincerely,

Bob Moran

Robert Moran
Vice President
Human Resources

* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of AIG. The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

What You Should Do to Protect Your Personal Information (PI)

We recommend you remain vigilant and consider taking one or more of the following steps to protect your PI:

1. We recommend you closely monitor your financial accounts and access resources concerning identity theft, such as information the Internal Revenue Services has published at: <http://www.irs.gov/Individuals/Identity-Protection>, and well as <https://www.irs.gov/uac/Taxpayer-Guide-to-Identity-Theft>.
2. You may wish to contact the nationwide credit-reporting agencies as soon as possible to:
 - Add a fraud alert statement to your credit file at all three national credit-reporting agencies: Equifax, Experian, and TransUnion. You only need to contact one of the three agencies listed below; your request will be shared with the other two agencies. This fraud alert will remain on your credit file for 90 days.
 - Remove your name from mailing lists of pre-approved offers of credit for approximately six months.
 - Receive a free copy of your credit report by going to www.annualcreditreport.com.

Equifax
P.O. Box 740256
Atlanta, GA 30374
(800) 525-6285
www.equifax.com

Experian
P.O. Box 9554
Allen, TX 75013
(888) 397-3742
www.experian.com/consumer

TransUnion
P.O. Box 2000
Chester, PA 19022
(800) 888-4213
www.transunion.com

3. If you aren't already doing so, please pay close attention to all bills and credit-card charges you receive for items you did not contract for or purchase. Review all of your bank account statements frequently for checks, purchases or deductions not made by you. Note that even if you do not find suspicious activity initially, you should continue to check this information periodically since identity thieves sometimes hold on to stolen PI before using it.
4. The Federal Trade Commission ("FTC") offers consumer assistance and educational materials relating to identity theft, privacy issues and how to avoid identity theft. The FTC can be contacted either by visiting www.ftc.gov, www.consumer.gov/idtheft, or by calling (877) 438-4338. If you suspect or know that you are the victim of identity theft, you should contact local police and you also can report this to the Fraud Department of the FTC, who will collect all information and make it available to law-enforcement agencies. Contact information for the FTC is:

Federal Trade Commission
Consumer Response Center
600 Pennsylvania Avenue, NW
Washington, DC 20580