



MULLEN  
COUGHLIN LLC  
ATTORNEYS AT LAW

NH DEPT OF JUSTICE  
JUN 26 23 PM 3:04

309 Fellowship Road, Suite 200  
Mt. Laurel, NJ 08054

June 21, 2023

**VIA U.S. MAIL**

Consumer Protection Bureau  
Office of the New Hampshire Attorney General  
33 Capitol Street  
Concord, NH 03301

**Re: Notice of Data Event**

To Whom It May Concern:

We represent Benning Construction Company ("Benning") located at 4695 S Atlanta Rd SE, Atlanta, GA 30339, and are writing to notify your office of an incident that may affect the security of certain personal information relating to one (1) New Hampshire resident. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Benning does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

**Nature of the Data Event**

On March 1, 2023, Benning identified suspicious activity in its environment and immediately launched an investigation to determine the nature and scope of the activity. The investigation, conducted by third-party forensic specialists, determined that an unauthorized actor gained access to certain systems between February 9, 2023, and March 1, 2023. The investigation also determined that an unauthorized actor may have acquired certain information stored on the network during the period of access. Therefore, Benning undertook a comprehensive review of the data at risk to assess if any sensitive information could be affected and to whom it related. On May 25, 2023, Benning determined that the data included sensitive information relating to certain employees.

The information that could have been subject to unauthorized access includes

### **Notice to New Hampshire Resident**

On June 21, 2023, Benning provided written notice of this incident to one (1) New Hampshire resident. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

### **Other Steps Taken and To Be Taken**

Upon discovering the event, Benning moved quickly to investigate and respond to the incident, assess the security of Benning systems, and identify potentially affected individuals. Further, Benning notified federal law enforcement regarding the event. Benning is also working to implement additional safeguards and training to its employees. Benning is providing access to credit monitoring services for through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Benning is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Benning is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud. Benning is providing written notice of this incident to relevant state regulators, as necessary.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at

Very truly yours,

Vincent F. Regan of  
MULLEN COUGHLIN LLC

VFR/scs  
Enclosure

# **EXHIBIT A**

# BENNING

C O N S T R U C T I O N

Return Mail Processing  
PO Box 999  
Suwanee, GA 30024

2 1 4 3 5 \*\*\*\*\*SNGLP

SAMPLE A. SAMPLE - L01

APT ABC



123 ANY ST

ANYTOWN, US 12345-6789



June 21, 2023

## NOTICE OF DATA PRIVACY INCIDENT

Dear Sample A. Sample:

Benning Construction Company ("Benning") writes to notify you of an incident that may affect the privacy of some of your information. This letter provides details of the incident, our response, and steps you may take to better protect against the possible misuse of your information should you feel it is appropriate to do so.

**What Happened?** On March 1, 2023, we identified suspicious activity in our environment and immediately launched an investigation to determine the nature and scope of the activity. The investigation, conducted by third-party forensic specialists, determined that an unauthorized actor gained access to certain Benning's systems between February 9, 2023, and March 1, 2023. The investigation also determined that an unauthorized actor may have acquired certain information stored on the network during the period of access. Therefore, we undertook a comprehensive review of the data at risk to assess if any sensitive information could be affected and to whom it related. On May 25, 2023, we confirmed the data contained certain information related to you.

**What Information Was Involved?** We determined the type of information potentially impacted by this incident includes your:

**What We Are Doing.** We take the confidentiality, privacy, and security of information in our care seriously. Upon discovery of the incident, we immediately commenced an investigation and took steps to implement additional safeguards related to data privacy and security.

In an abundance of caution, we are providing you with access to \_\_\_\_\_ of credit monitoring and identity protection services through Experian at no cost to you. A description of the services and instructions on how to enroll can be found within the enclosed *Steps You Can Take to Protect Personal Information*. Please note that you must complete the enrollment process yourself as we are not permitted to enroll you in these services.

**What You Can Do.** You can review the enclosed *Steps You Can Take to Protect Personal Information* for general guidance. In addition, you can enroll in the complimentary credit monitoring and identity protection services being offered through Experian. We also encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity.

**For More Information.** We understand you may have questions about the incident that are not addressed in this letter. If you have questions, or need assistance, please call \_\_\_\_\_ toll-free Monday through Friday from 8 am – 10 pm Central, or Saturday and Sunday from 10 am – 7 pm Central (excluding major U.S. holidays). Be prepared to provide your engagement number \_\_\_\_\_. You may also write to Benning at 4695 S Atlanta Rd SE, Atlanta, GA 30339.

Sincerely,

Ryce Elliott  
President  
Benning Construction Company



## STEPS YOU CAN TAKE TO PROTECT PERSONAL INFORMATION

### Enroll in Credit Monitoring and Identity Protection

To help protect your identity, we are offering complimentary access to Experian IdentityWorks<sup>SM</sup> for

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for \_\_\_\_\_ from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration).

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary \_\_\_\_\_. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at \_\_\_\_\_. Be prepared to provide \_\_\_\_\_ as proof of eligibility for the Identity Restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR**

### **EXPERIAN IDENTITYWORKS MEMBERSHIP**

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE<sup>TM</sup>:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance<sup>\*\*</sup>:** Provides coverage for certain costs and unauthorized electronic fund transfers

\* Offline members will be eligible to call for additional reports quarterly after enrolling.

\*\* The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

## **Monitor Your Accounts**

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a credit freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver's license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
1-888-298-0045	1-888-397-3742	1-800-916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

## **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances



of known or suspected identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

*For Maryland residents*, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>.

*For New Mexico residents*, consumers have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in their credit file has been used against them, the right to know what is in their credit file, the right to ask for their credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting bureaus must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to consumers' files is limited; consumers must give consent for credit reports to be provided to employers; consumers may limit "prescreened" offers of credit and insurance based on information in their credit report; and consumers may seek damages from violators. Consumers may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active-duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. We encourage consumers to review their rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf), or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

*For New York residents*, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov>.

*For North Carolina residents*, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and [www.ncdoj.gov](http://www.ncdoj.gov).