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August 25, 2016

**VIA OVERNIGHT MAIL**  
**AND FAX: (603) 271-2110**

Mr. Joseph Foster  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

Re: Data Incident Notification

Dear Attorney General Joseph Foster:

Please be advised<sup>1</sup> that on August 4, 2016, Birch Communications ("Company") learned that it experienced a data incident on that same date when one of its employees, while responding by email to an inquiry from a former employee, inadvertently attached a file containing personal information (including names and social security numbers) pertaining to certain current and other former employees. The Company has concluded that this incident is not a breach under New Hampshire law but has decided to provide notification hereunder in the abundance of caution.

It appears that a total of 1,913 individuals were affected, including 4 residents of New Hampshire. Upon discovering the incident, the Company took prompt steps to determine the scope of the incident. We contacted the former employee who received the attachment and obtained the former employee's written confirmation that the personal information not belonging to the former employee had been completely deleted, and had not been copied, forwarded, shared with others, or otherwise used or disclosed. We have also forensically confirmed to a reasonable degree of certainty that electronic files containing the personal information no longer reside on the former employee's computer and the Company is in possession of the computer. The Company plans to begin notifying the affected 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 affected 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 incidents of this kind, this includes retaining employees

<sup>1</sup> Please note that by providing this letter the Company is not agreeing to the jurisdiction of the State of New Hampshire, or waiving its right to challenge jurisdiction in any subsequent actions.

STATE OF NH  
DEPT OF JUSTICE  
2016 AUG 26 AM 9:55

about email best practices. Should the Company become aware of any significant developments concerning this situation, we will inform you.

Sincerely,

JACKSON LEWIS P.C.



Joseph J. Lazzarotti

Encl.

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