



June 12, 2023

Via electronic-mail: DOJ-CPB@doj.nh.gov

Attorney General Gordon McDonald

Consumer Protection Bureau
Office of the Attorney General
33 Capitol Street
Concord, NH 03302

Re: **Client: Emmer Bros., LLC**
Matter: Notice of Data Security Incident

Dear Attorney General:

We represent Emmer Bros., LLC (“Emmer”), which is located in Sioux City, Iowa. Our representation of Emmer relates to a data security incident described in more detail below. Emmer takes the security and privacy of the information in its control seriously, and has taken steps to prevent a similar incident from occurring in the future.

This letter will serve to inform you of the nature of the security incident, the number of New Hampshire residents being notified, what information has been compromised, and the steps that Emmer has taken to restore the integrity of the system. We have also enclosed a sample of the notification made to the potentially impacted individuals, which includes an offer of free credit monitoring.

Nature of the Security Incident

On August 4, 2022, Emmer detected suspicious activity within its network environment. Upon discovery, Emmer immediately engaged a law firm specializing in cybersecurity and data privacy to investigate further. Additionally, Emmer engaged third-party forensic specialists to assist Emmer in its analysis of any unauthorized activity. The investigation concluded on May 18, 2023. While the potentially impacted information varies by individual, the investigation concluded that certain

personal information – including names and addresses, and in some instances date of birth, social security number, driver's license/state identification card number, financial account number, and payment card information – were accessed by an unknown party that is not authorized to handle or view such information.

At this time, Emmer does not have any evidence to indicate that any personal information has been or will be misused as a result of this incident.

Number of New Hampshire Residents Affected

A total of 2 residents of New Hampshire have been identified as potentially affected by this security incident. Notification letters to these individuals were mailed on May 30, 2023, by first class mail. A sample copy of the notification letter is attached.

Steps Taken

Upon detecting this incident, Emmer moved quickly to initiate a response, which included conducting an investigation with the assistance of IT specialists and confirming the security of the network environment. Emmer also reviewed and altered policies, procedures, and network security software relating to the security of systems and servers, as well as how Emmer stores and manages data.

Emmer offered free credit monitoring and identity theft protection services to all potentially affected individuals.

Contact Information

Emmer remains dedicated to protecting the sensitive information in its control. If you have any questions or need additional information, please do not hesitate to contact me at

Sincerely,

Ross M. Molina of
LEWIS BRISBOIS BISGAARD & SMITH LLP



P.O. Box 989728
West Sacramento, CA 95798-9728

To Enroll, Please Call:

(888) 567-0258

Or Visit:

<https://app.idx.us/account-creation/protect>

Enrollment Code: <<Enrollment Code>>

<<First Name>> <<Last Name>>

<<Address1>>

<<Address2>>

<<City>>, <<State>> <<Zip>>

Via First-Class Mail

May 30, 2023

<<Notice of Data Breach>>

Dear <<First Name>> <<Last Name>>:

We recently discovered that a data security incident may have resulted in the possible unintentional exposure of your personal information. This letter contains additional information about the incident, our response to this incident, and steps you can take to protect yourself. Please be assured that the Emmer Bros., LLC ("Emmer") takes the protection and proper use of your personal information very seriously, and we sincerely apologize for any inconvenience this may cause.

What Happened:

On August 4, 2022, Emmer detected suspicious activity within its network environment. Upon discovery, Emmer immediately engaged a law firm specializing in cybersecurity and data privacy to investigate further. Additionally, Emmer engaged third-party forensic specialists to assist Emmer in its analysis of any unauthorized activity. The investigation concluded on May 18, 2023. While the potentially impacted information varies by individual, the investigation concluded that certain personal information – including

– were accessed by an unknown party that is not authorized to handle or view such information.

At this time, Emmer does not have any evidence to indicate that any of your personal information has been or will be misused as a result of this incident. Emmer is notifying you of this incident out of an abundance of caution.

What We Are Doing:

We take the protection and proper use of personal information very seriously. As part of our ongoing commitment to information privacy and the security of information, we are notifying you of this incident. Although we are not aware of any misuse of your information as a result of this incident, we are offering you complimentary credit monitoring and identity theft protection through IDX A ZeroFox Company, the data breach and recovery services expert.

IDX's services include: <<12/24>> months of credit and CyberScan monitoring, fully managed identity theft recovery services, and a \$1,000,000 Identity Theft Insurance policy. With this protection, IDX will help you resolve issues in the unlikely event that your identity is compromised.

We encourage you to contact IDX with any questions and to enroll in free IDX services by calling (888) 567-0258 or by going to <https://app.idx.us/account-creation/protect> and using the Enrollment Code provided. IDX is available Monday through Friday from 6 a.m. to 6 p.m. Pacific Time, excluding holidays. Please note the deadline to enroll is August 30, 2023.

What You Can Do:

Further, as a best practice, we encourage you to remain vigilant against incidents of identity theft and fraud, to review your financial account statements, and to monitor your credit reports for suspicious activity. This letter also includes additional information and resources to assist you in protecting your personal information, should you feel it appropriate to do so.

For More Information:

If you have additional questions, please call (888) 567-0258, toll-free, Monday through Friday from 6 a.m. to 6 p.m. Pacific Time, excluding holidays. Emmer values the security of your personal data, and we apologize for any inconvenience this incident has caused.

Sincerely,
Emmer Bros., LLC

By:
Jeff Hoffart
Managing Member

Additional Information

Credit Reports: You may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report from each of the three nationwide credit reporting agencies. To order your free credit report, please visit www.annualcreditreport.com, or call toll-free at 1-877-322-8228. You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available at <https://www.consumer.ftc.gov/articles/0155-free-credit-reports>) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

Security Freeze: You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans, and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to make a request to each consumer reporting agency. You may make that request by certified mail, overnight mail, regular stamped mail, or by following the instructions found at the websites listed below. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse or a minor under the age of 16, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. As of September 21, 2018, it is free to place, lift, or remove a security freeze. You may also place a security freeze for children under the age of 16. You may obtain a free security freeze by contacting any one or more of the following national consumer reporting agencies:

Equifax Security Freeze P.O. Box 105788 Atlanta, GA 30348 1-800-349-9960 https://www.equifax.com/personal/credit-report-services/credit-freeze/	Experian Security Freeze P.O. Box 9554 Allen, TX 75013 1-888-397-3742 www.experian.com/freeze/center.html	TransUnion Security Freeze P.O. Box 160 Woodlyn, PA 19094 1-888-909-8872 www.transunion.com/credit-freeze
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Fraud Alerts: You can place fraud alerts with the three credit bureaus by phone and online with:

- Equifax (https://assets.equifax.com/assets/personal/Fraud_Alert_Request_Form.pdf);
- TransUnion (<https://www.transunion.com/fraud-alerts>); or
- Experian (<https://www.experian.com/fraud/center.html>).

A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. As of September 21, 2018, initial fraud alerts last for one year. Victims of identity theft can also get an extended fraud alert for seven years. The phone numbers for all three credit bureaus are at the bottom of this page.

Monitoring: You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

File Police Report: You have the right to file or obtain a police report if you experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide proof that you have been a victim. A police report is often required to dispute fraudulent items. You can generally report suspected incidents of identity theft to local law enforcement or to the Attorney General.

FTC and Attorneys General: You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting the consumer reporting agencies, the Federal Trade Commission, or your state Attorney General.

The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580, www.identitytheft.gov, 1-877-ID-THEFT (1-877-438-4338), 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. This notice has not been delayed by law enforcement.

For District of Columbia residents, the Attorney General may be contacted at the Office of the Attorney General for the District of Columbia, 441 4th Street NW, Washington, DC 20001, 1-202-727-3400, www.oag.dc.gov.

For Maryland residents, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-888-743-0023, and www.oag.state.md.us.

For New Mexico residents, you have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit “prescreened” offers of credit and insurance you get based on information in your credit report; and you may seek damages from violators. You 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 you to review your rights pursuant to the Fair Credit Reporting Act at 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 North Carolina residents, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226 or 1-919-716-6400, and www.ncdoj.gov.

For New York residents, you may contact and obtain information from these state agencies: *New York Department of State Division of Consumer Protection*, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, 518-474-8583 / 1-800-697-1220, <http://www.dos.ny.gov/consumerprotection>; and *New York State Office of the Attorney General*, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov>.

For Rhode Island residents, this incident involves 1 individual in Rhode Island. Under Rhode Island law, you have the right to file and obtain a copy of a police report. You also have the right to request a security freeze, as described above. You may contact and obtain information from your state attorney general at: *Rhode Island Attorney General's Office*, 150 South Main Street, Providence, RI 02903, 1-401-274-4400, www.riag.ri.gov.