



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

RECEIVED
AUG 18 2022
CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200
Devon, PA 19333

August 15, 2022

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

Dear Sir or Madam:

We represent Finkelstein Eye Associates located at 1915 4th Street, Peru, IL 61354, and are writing to notify your office of an event that may affect the security of certain personal information relating to approximately three (3) New Hampshire residents. This notice may be supplemented if any new significant facts learned subsequent to its submission. By providing this notice, Finkelstein Eye Associates 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 or around March 1, 2022, Finkelstein Eye Associates received notification from its third-party vendor, Eye Care Leaders, of its ongoing investigation into a cyber event. Eye Care Leaders is a cloud-computer provider that manages electronic health record systems for optometry practices, including Finkelstein Eye Associates. Upon receiving notice of this event, Finkelstein Eye Associates immediately commenced an investigation to better understand the nature and scope of the event and impact on its data.

Eye Care Leaders reported that on December 4, 2021, it experienced a cyber event that resulted in the unauthorized access to, and deletion of, certain customer data on its systems. Eye Care Leaders reported the event to law enforcement and worked with forensic investigators to determine the nature and scope of the event. On April 1, 2022, Eye Care Leaders provided an update on its ongoing investigation and confirmed that an unknown actor potentially had access to all its customers' data. While Eye Care Leaders did not identify any acquisition or exfiltration of customer data, due to limitations in the available evidence for review, it could not definitively rule out the possibility of that activity. On or about April 19, 2022, Finkelstein Eye Associates received further information from Eye Care Leaders that confirmed its investigation would not be able to limit the scope of customer information that was potentially impacted by the event. Therefore, out of an abundance of caution, Finkelstein Eye Associates is providing notice to all its patients due to the uncertainty of the Eye Care Leaders event. Finkelstein Eye Associates reviewed its systems in detail to determine the mailing addresses for potentially impacted patients and recently completed its review.

The information that could have been subject to unauthorized access for New Hampshire residents includes name, Social Security number, and financial account information.

Notice to New Hampshire Residents

On or about August 15, 2022, Finkelstein Eye Associates provided written notice of the Eye Care Leaders event to approximately three (3) New Hampshire residents. 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 learning of the Eye Care Leader event, Finkelstein Eye Associates moved quickly to investigate and respond. In an effort to protect against incidents like this in the future, Finkelstein Eye Associates is working with Eye Care Leaders to further ensure the safety of patient data. Finkelstein Eye Associates is providing access to credit monitoring services for one (1) year, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Finkelstein Eye Associates is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Finkelstein Eye Associates 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.

Finkelstein Eye Associates is providing written notice of the Eye Care Leaders event to appropriate state and federal regulators, including the U.S. Department of Health and Human Services, as well as the major consumer reporting agencies, Equifax, Experian, and TransUnion. Finkelstein Eye Associates is also posting notice of this event on its website and issuing notice to prominent media in Illinois pursuant to the Health Insurance Portability and Accountability Act (HIPAA).

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4777.

Very truly yours,

Brian F. Fox of
MULLEN COUGHLIN LLC

BFF/jls
Enclosure

EXHIBIT A



Finkelstein Eye Associates

Eye Surgeons and Physicians

Return Mail Processing Center
P.O. Box 6336
Portland, OR 97228-6336

<<Mail ID>>
<<Name 1>>
<<Name 2>>
<<Address 1>>
<<Address 2>>
<<Address 3>>
<<Address 4>>
<<Address 5>>
<<City>><<State>><<Zip>>
<<Country>>

<<Date>>

Re: <<Variable Header>>

Dear <<Name 1>>:

Finkelstein Eye Associates writes to inform you of a recent event that occurred at a third-party vendor, Eye Care Leaders, that may impact the security of some of your information. On March 1, 2022, we received notification from one of our third-party vendors, Eye Care Leaders, of its ongoing investigation into a cyber event. Eye Care Leaders is a cloud-computer provider that manages the electronic health record system for optometry practices, including Finkelstein Eye Associates. Upon receiving notice of this event, we immediately commenced an investigation to better understand the nature and scope of the event and impact on our data. This notice provides information about the Eye Care Leaders event, our response, and the resources available to you to help protect your information from possible misuse, should you feel it appropriate to do so.

What Happened? Eye Care Leaders reported that on December 4, 2021, it experienced a cyber event that resulted in the unauthorized access to, and deletion of, certain customer data on its systems. Eye Care Leaders reported the event to law enforcement and worked with forensic investigators to determine the nature and scope of the event. On April 1, 2022, Eye Care Leaders provided an update on its ongoing investigation and confirmed that an unknown actor potentially had access to all its customers' data. While Eye Care Leaders did not identify any acquisition or exfiltration of customer data, due to limitations in the available evidence for review, it could not definitively rule out the possibility of that activity. On or about April 19, 2022, we received further information from Eye Care Leaders that confirmed its investigation would not be able to limit the scope of customer information that was potentially impacted by the event. Therefore, out of an abundance of caution, we are providing notice to all our patients due to the uncertainty of the Eye Care Leaders event. Please note, if you are a new patient that came to us after December 31, 2021, we received no information from Eye Care leaders to suggest your data was potentially affected.

What Information Was Involved. Our investigation determined that the Eye Care Leaders systems could have contained your name, Social Security number, financial account information, date of birth, and health insurance information. If you became a patient after 2013, your medical information could have been impacted as well. Please note that, to date, we have not received confirmation from Eye Care Leaders that your specific information was accessed, deleted, or acquired by the unknown actor.

What We Are Doing. The confidentiality, privacy, and security of information in our care are among our highest priorities, and we take the Eye Care Leaders event very seriously. As part of our ongoing commitment to the security of information in our care, we are working to review our existing policies and procedures regarding our third-party vendors, and are working with Eye Care Leaders to evaluate additional measures and safeguards to protect against this type of event in the future.

Although Eye Care Leaders has not reported any actual or attempted fraudulent misuse of your information as a result of this event, we are offering you access to <<CM Length>> months of complimentary credit monitoring and identity restoration services through Experian, as an additional precaution. We are also providing notice to appropriate governmental regulators.

What You Can Do. We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements, explanation of benefits statements, and monitoring your free credit reports for suspicious activity and to detect errors. You may also review the information in the enclosed *Steps You Can Take to Help Protect Your Personal Information*. There you will find instructions to enroll in the complimentary credit monitoring and identity restoration services we are making available to you.

For More Information. We understand you may have additional questions regarding the Eye Care Leaders event. If so, you may call our toll-free dedicated assistance line at 877-566-5206. This toll-free line is available Monday – Friday from 8:00 am to 8:00 pm Central Time. You may also write to Finkelstein Eye Associates at 1915 4th Street, Peru, Illinois 61354.

Sincerely,

Dr. Gary Finkelstein

Gary Finkelstein, M.D.
Finkelstein Eye Associates

STEPS YOU CAN TAKE TO HELP PROTECT YOUR PERSONAL INFORMATION

Enroll in Credit Monitoring

To help protect your identity, we are offering a complimentary <<CM Length>> month membership of Experian's IdentityWorks. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information please follow the steps below:

- Ensure that you **enroll by:** << Enrollment Deadline>> (Your code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
- Provide your **activation code:** << Activation Code>>

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 1-877-288-8057 by << Enrollment Deadline>>. Be prepared to provide engagement number <<Engagement #>> as proof of eligibility for the identity restoration services by Experian.

Additional details regarding your <<CM Length>> MONTH 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.¹
- **Credit Monitoring:** Actively monitors Experian, Equifax and Transunion files 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:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **Up to \$1 Million Identity Theft Insurance²:** Provides coverage for certain costs and unauthorized electronic fund transfers.

If you believe there was fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at 1-877-288-8057. 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 (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 this Identity Restoration support is available to you for <<CM Length>> months 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. You will also find self-help tips and information about identity protection at this site.

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 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 one-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 credit freeze, you will need to provide the following information:

¹ Offline members will be eligible to call for additional reports quarterly after enrolling.

² 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.

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 fraud alert or credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-833-395-6938
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; 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 District of Columbia residents, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, DC 20001; 202-727-3400; and oag.dc.gov.

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 www.oag.state.md.us.

For Massachusetts Residents, under Massachusetts law, you have the right to obtain a police report in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.

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 bureaus 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 by visiting 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.

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; www.riag.ri.gov; and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this event. There are <<#>> Rhode Island residents impacted by this event.