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CONSUMER PROTECTION

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February 27, 2024

**VIA FIRST CLASS MAIL**

Consumer Protection & Antitrust Bureau  
Office of the Attorney General  
1 Granite Place South  
Concord, NH 03301

Re: Notice of Data Incident

Dear Sir or Madam:

We represent Icetro America ("Icetro"), a division of the Middleby Corporation, located at 6432 Warren Drive, Norcross, GA 30093. We are writing to notify you, on behalf of our client, of a data security incident that has potentially affected the personal information of the residents of New Hampshire. This notice may be supplemented upon any further investigation. By providing this notice, Icetro does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the relevant state statute, or personal jurisdiction.

**Background:** Our client, Icetro, first became aware of a potential incident on July 6, 2023. An unknown threat actor had gained access to some email accounts within Icetro's Microsoft Azure tenant. Through manipulation of set inbox rules, the threat actor was able to impersonate certain accounts and was able to send and receive emails from those accounts. The threat actor used an Icetro finance email account to send fraudulent invoices to an Icetro customer, Eastern Marketing Corporation ("Eastern"), with account and routing information for the threat actor's bank. Icetro did not become aware of the issue until they were contacted by Eastern inquiring about when the product they ordered would be shipped. Icetro reported the fraudulent activity to Middleby on July 6, 2023. On July 7, 2023, all Icetro user accounts and mailboxes were migrated to the Middleby Azure tenant.

The personal information that may have been impacted for New Hampshire residents may include one or more of the following:

Upon discovery of this incident, Icetro acted quickly to minimize any impact to the personal information of its consumers, employees, and vendors. On July 7, 2023, Icetro user accounts and mailboxes were securely transitioned to the Middleby Azure tenant, completely containing the incident. After the migration to Middleby's Azure tenant, Icetro created new accounts with enforced password complexity, multi-factor authentication, and Security Information and Event

Management (SIEM) logging. These extra security layers protect all Icetro emails via third-party enterprise email tools from leading manufacturers and Icetro has engaged a Security and Operations Center ("SOC") that monitors suspicious activity 24/7. Furthermore, Icetro has globally instituted additional security awareness training and has developed a phishing awareness and containment program.

**Notice to New Hampshire Residents:** We have determined that the number of New Hampshire residents potentially affected by this security incident is one (1). Icetro has mailed notice to impacted individuals on February 23, 2024. Written notice to individuals was provided in substantially the same form as the letter attached here as **Exhibit A**. Please note that we reserve the right to update the draft letter.

**Other Steps Taken and To Be Taken:** Icetro is taking action to provide assistance to potentially affected individuals, even though it currently has no evidence of any misuse of, or fraudulent activity relating to, anyone's personal information as a result of this incident. Icetro is providing individuals whose personal information was potentially affected by this incident with access to credit monitoring services for \_\_\_\_\_ through Experian at no cost to the individuals.

Additionally, Icetro is providing impacted individuals with guidance on how to better protect against identity theft and fraud. These measures include advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Our client is also providing individuals with information on how to place a fraud alert and security freeze on their credit file, information on protecting against fraud, 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 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.

**Contact Information:** Should you have any questions regarding this notification or other aspects of the data security incident, please contact us at \_\_\_\_\_.

Very truly yours,

SEYFARTH SHAW LLP

/s/ Scott A. Carlson

Scott A. Carlson

SAC:US



Return Mail Processing  
PO Box 589  
Claysburg, PA 16625-0589

February 23, 2024

K9003-L01-0000001 T00001 P001 \*\*\*\*\*SCH 5-DIGIT 12345

SAMPLE A SAMPLE - L01

APT ABC

123 ANY STREET

ANYTOWN, FC 1A2 B3C

COUNTRY



**RE: Important Security Notification. Please read this entire letter.**

Dear Sample A. Sample,

We are writing to inform you about a potential data security incident that has occurred within our organization. We want to provide you with information about the incident, steps we are taking in response, and steps you may take to guard against identity theft and fraud, should you feel it is appropriate to do so. Although we are unaware of any actual misuse of your data, we are providing you notice about the incident and about the tools that we are offering or that are otherwise available to protect you.

**What Happened?** In May 2023, Icetro America ("Icetro"), a division of the Middleby Corporation, experienced a potential cybersecurity incident where an unknown threat actor had gained access to certain email accounts within Icetro's mailing environment. The threat actor was potentially able to gain access to the information in those email accounts. When Icetro discovered the incident, all access to the compromised mailing accounts were immediately terminated. By July 2023, Icetro had completed taking significant steps to ensure that the threat was fully contained.

**What Information Was Involved?** We have conducted a thorough investigation to determine what personal information may have been impacted. While we are presently not aware of any misuse of your data, the following personal information may have potentially been affected:

We understand that this may be concerning to you and we apologize for any inconvenience this may have caused. We want to assure you that we are taking every possible step to safeguard your personal information and prevent any further incidents.

**What Are We Doing?** We regret that this incident occurred and take the protection of your personal information very seriously. To help ensure this incident does not happen again, Icetro has created new mailing accounts with enforced password complexity, multi-factor authentication, and Security Information and Event Management (SIEM) logging. These extra security layers protect all Icetro emails via third-party enterprise email tools from leading manufacturers and have a Security and Operations Center that monitors suspicious activity 24/7. Furthermore, Icetro has globally instituted additional security awareness training and has developed a phishing awareness and containment program.

Out of an abundance of caution, and to help protect your identity, we are offering complimentary access to Experian IdentityWorks<sup>SM</sup> for 24 months.

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 \_\_\_\_\_ membership. 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 engagement number \_\_\_\_\_ as proof of eligibility for the Identity Restoration services by Experian.

#### **ADDITIONAL DETAILS REGARDING YOUR MEMBERSHIP**

#### **EXPERIAN IDENTITYWORKS**

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.

**For More Information.** We sincerely regret any inconvenience or concern caused by this incident. If you have further questions or concerns, or would like an alternative to enrolling online, please call 8 \_\_\_\_\_ toll-free Monday through Friday from 8 am – 8 pm Central (excluding major U.S. holidays). Be prepared to provide your engagement number \_\_\_\_\_

**What You Can Do:** We encourage you to remain vigilant by reviewing your account statements and monitoring credit report information. You can also obtain information about fraud alerts and security freezes from the U.S. Federal Trade Commission (FTC) and the credit reporting agencies listed below:

- Federal Trade Commission, <https://www.ftc.gov>, 600 Pennsylvania Avenue, NW, Washington, DC 20580 1-877-FTC-HELP
- Nationwide Consumer Reporting Companies:
  - Equifax, <https://www.equifax.com>, Equifax Credit Information Services, LLC, P.O. Box 740241, Atlanta, GA 30374, 1-800-525-6285
  - Experian, <https://www.experian.com>, Experian National Consumer Assistance Center, P.O. Box 4500, Allen, TX 75013, 1-888-397-3742
  - TransUnion, <https://www.transunion.com>, TransUnion Consumer Relations, P.O. Box 2000, Chester, PA 19016-2000, 1-800-680-7289

To the extent you desire to freeze your credit report, you must separately place a credit freeze on your credit file at each of the three credit reporting agencies. There is no charge associated with placing a credit freeze. The following information should be included when requesting a credit freeze:

1. Full name, with middle initial and any suffixes;
2. Social Security number;
3. Date of birth (month, day, and year);
4. Current address and previous addresses for the past five (5) years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. Other personal information as required by the applicable credit reporting agency.

Sincerely,



Daniel Moon, President  
Icetro America, Inc

\* 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.