

AUG 07 2023

August 1, 2023

 **NORTON ROSE FULBRIGHT** CONSUMER PROTECTION***Via Certified Mail***

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

Re: Legal Notice of Information Security Incident

Dear Sir or Madam:

I am writing on behalf of my client, Jonas Fitness, Inc. ("JFI"), to inform you of a cybersecurity incident impacting a third-party application utilized by JFI as part of the payment processing services JFI provides to clubs, gyms and fitness facilities.

On May 31, 2023, Progress Software Corporation ("Progress") announced a previously unknown (zero-day) vulnerability affecting its MOVEit Transfer application. Many organizations globally were affected by this vulnerability because of the wide use of the MOVEit Transfer application for business purposes. Upon learning about the vulnerability, JFI took immediate action to engage cybersecurity experts to conduct an investigation into the scope of this incident.

The investigation determined that, in the early morning on June 1, 2023 and before Progress released a patch for the vulnerability, an unauthorized actor gained access to and obtained data from JFI's MOVEit system. JFI conducted a review of the impacted data, which belongs to certain of JFI's clients, and identified data containing personal information belonging to JFI's clients' current and former members. The personal information includes

Today, August 1, 2023, JFI will begin mailing notification letters to the six (6) New Hampshire residents. JFI is offering of complimentary credit monitoring and fraud protection services to the individuals whose may have been affected. Sample copies of the notice letters are attached. JFI is also providing a telephone number for the individuals to call with any questions regarding the incident.

Moving forward, JFI has discontinued the availability of the MOVEit application to its clients. JFI has also applied all available patches provided by Progress.

If you have any questions or need further information regarding this incident, please do not hesitate to contact me.

Respectfully submitted,

Will Daugherty
Enclosure

Norton Rose Fulbright US LLP is a limited liability partnership registered under the laws of Texas.

Norton Rose Fulbright US LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright Canada LLP and Norton Rose Fulbright South Africa Inc are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at nortonrosefulbright.com.



Re: Notice of Data Breach

Dear Customer,

We are writing to notify you about a recent cyber incident that impacted numerous companies around the world, including Jonas Fitness, Inc. ("Jonas Fitness"). Jonas Fitness is a software company that provides payment processing services to clubs, gyms and fitness facilities. We may have your personal information because we provide services to an organization that you are, or were, a member of. This letter is to provide you with details of what happened, the measures taken in response, and to provide you with information on steps you may consider taking to help protect your personal information.

What Happened? On May 31, 2023, Progress Software Corporation announced a previously unknown vulnerability affecting its MOVEit Transfer application ("MOVEit"). MOVEit is a file transfer software used worldwide to transfer data amongst businesses. We use this application as part of the services we provide to customers. Upon learning about the vulnerability, we took immediate action to engage cybersecurity experts to conduct an investigation into the scope of this incident.

What Information Was Involved? The investigation determined that some files associated with certain of our clients' customers, may have been accessed or obtained by an unauthorized third party on June 1, 2023. Those files may include some of your personal information,

What We Are Doing. While we have no evidence to suggest that your information was targeted or misused for purposes of fraud or identity theft, as a precaution, we are offering a complimentary membership of Experian's® IdentityWorksSM. This product provides you with superior identity protection and resolution of identity theft. IdentityWorksSM Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. Moving forward we have discontinued the availability of the MOVEit console to our customers, and continue to deploy patches to our MOVEit server as Progress makes them available.

What You Can Do. We recommend that you remain vigilant and check your financial account statements for discrepancies or anything that seems suspicious and immediately report any unauthorized charges to your financial institution. For more information on IdentityWorksSM, including instructions on activating your complimentary membership and additional steps you can take in response to this incident, please see the pages that follow this letter.

For More Information. The security of your personal information is of the utmost importance to us. If you have any questions or would like to discuss this matter further, please between Monday through Friday 8 am to 5 pm central time.

Sincerely,

Tony Autin
President Jonas Fitness, Inc.

ADDITIONAL DETAILS REGARDING YOUR

EXPERIAN IDENTITYWORKS MEMBERSHIP

To help protect your identity, we are offering a complimentary membership of Experian's® IdentityWorksSM. 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 _____ (Your code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll:
- Provide your 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 _____ by _____. Be prepared to provide engagement number _____ as proof of eligibility for the identity restoration services by Experian.

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, Equifax and Transunion files for indicators of fraud.
- Internet Surveillance: Technology searches the web, chat rooms & bulletin boards 24/7 to identify trading or selling of your personal information on the Dark Web.
- Identity Restoration: Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- Experian IdentityWorks ExtendCARETM: You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- \$1 Million Identity Theft Insurance^{**}: 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.

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 877.890.9332. 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).

ADDITIONAL STEPS YOU CAN TAKE

Free Credit Report. Regardless of whether you choose to take advantage of the complimentary identity monitoring, it is always advisable to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. If you identify any unauthorized charges on your financial account statements, you should immediately report any such charges to your financial institution. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. To order your annual 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 from the U.S. Federal Trade Commission's ("FTC") website at www.consumer.ftc.gov) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

Contact information for the three nationwide credit reporting companies is as follows:

<u>Equifax</u>	<u>Experian</u>	<u>TransUnion</u>
Phone: 1.800.685.1111	Phone: 1.888.397.3742	Phone: 1.888.909.8872
P.O. Box 740256	P.O. Box 9554	P.O. Box 105281
Atlanta, Georgia 30348	Allen, Texas 75013	Atlanta, GA 30348-5281
www.equifax.com	www.experian.com	www.transunion.com

Security Freeze. Security freezes, also known as credit freezes, restrict access to your credit file, making it harder for identity thieves to open new accounts in your name. You can freeze and unfreeze your credit file for free. You also can get a free freeze for your children who are under 16. And if you are someone's guardian, conservator, or have a valid power of attorney, you can get a free freeze for that person, too.

How will these freezes work? Contact all three of the nationwide credit reporting agencies – Equifax, Experian, and TransUnion. If you request a freeze online or by phone, the agency must place the freeze within one business day. If you request a lift of the freeze, the agency must lift it within one hour. If you make your request by mail, the agency must place or lift the freeze within three business days after it gets your request. You also can lift the freeze temporarily without a fee.

Don't confuse freezes with locks. They work in a similar way, but locks may have monthly fees. If you want a free freeze guaranteed by federal law, then opt for a freeze, not a lock.

The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for them 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, current mailing address, and the date of issue. You may obtain information from the credit reporting agencies and the FTC about security freezes.

For New Mexico residents: You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

Fraud Alerts. A fraud alert tells businesses that check your credit that they should check with you before opening a new account. An initial fraud alert stays on your credit report for one year. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years. To place a fraud alert on your credit reports,

contact one of the nationwide credit bureaus. A fraud alert is free. The credit bureau you contact must tell the other two, and all three will place an alert on their versions of your report. You may obtain additional information from the credit reporting agencies and the FTC about fraud alerts.

Federal Trade Commission and State Attorneys General Offices. If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your home state. You may also contact these agencies for information on how to prevent or avoid identity theft. You may contact the Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580, www.ftc.gov/bcp/edu/microsites/idtheft/, 1.877.IDTHEFT (438.4338).

For Connecticut Residents: You may contact and obtain information from your state attorney general at: Connecticut Attorney General's Office, 55 Elm Street, Hartford, CT 06106, 1.860.808.5318, www.ct.gov/ag.

For District of Columbia Residents: You may contact the Office of the Attorney General for the District of Columbia, 441 4th Street NW, Suite 1100 South, Washington, D.C. 20001, <https://oag.dc.gov>, 202.442.9828.

For Maryland Residents: You may contact the Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, <https://www.marylandattorneygeneral.gov/>, 1.888.743.0023.

For New York Residents: You may contact the 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 North Carolina Residents: You may contact the North Carolina Office of the Attorney General, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, www.ncdoj.gov, 1.877.566.7226.

For Rhode Island Residents: You may contact the Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, <http://www.riag.ri.gov>, 401.274.4400.

For Washington Residents: You may contact the Washington State Office of the Attorney General, 1125 Washington St SE, PO Box 40100, <https://www.atg.wa.gov>, Olympia, WA 98504 1.800.551.4636 (in Washington only) or 1.206.464.6684.

For West Virginia Residents: You may contact the office of the West Virginia Attorney General, PO Box 1789, Charleston, WV 25326-1789, <https://ago.wv.gov>, 1.800.368.8808

Reporting of identity theft and obtaining a police report.

You have the right to obtain any police report filed in the United States in regard to this incident. If you are the victim of fraud or identity theft, you also have the right to file a police report.

For Iowa Residents: You are advised to report any suspected identity theft to law enforcement or to the Iowa Attorney General.

For Massachusetts Residents: You have the right to obtain a police report if you are a victim of identity theft. You also have a right to file a police report and obtain a copy of it.

For Oregon Residents: You are advised to report any suspected identity theft to law enforcement, the Federal Trade Commission, and the Oregon Attorney General.

For Rhode Island Residents: You have the right to file or obtain a police report regarding this incident.



Re: Notice of Data Breach

Dear Customer,

We are writing to notify you about a recent cyber incident that impacted numerous companies around the world, including Jonas Fitness, Inc. ("Jonas Fitness"). Jonas Fitness is a software company that provides payment processing services to clubs, gyms and fitness facilities. We may have your personal information because we provide services to an organization that you are, or were, a member of. This letter is to provide you with details of what happened, the measures taken in response, and to provide you with information on steps you may consider taking to help protect your personal information.

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What Information Was Involved? The investigation determined that some files associated with certain of our clients' customers, may have been accessed or obtained by an unauthorized third party on June 1, 2023. Those files may include some of your personal information, including your name,

What We Are Doing. While we have no evidence to suggest that your information was targeted or misused for purposes of fraud or identity theft, we wanted to provide you with information about the incident and information on additional steps you may consider taking. Moving forward we have discontinued the availability of the MOVEit console to our customers, and continue to deploy patches to our MOVEit server as Progress makes them available.

What You Can Do. We recommend that you remain vigilant and check your financial account statements for discrepancies or anything that seems suspicious and immediately report any unauthorized charges to your financial institution. You can also refer to the "Additional Steps" Guide, enclosed with this letter, for more information on additional steps you may consider taking to help protect your information.

For More Information. The security of your personal information is of the utmost importance to us. If you have any questions or would like to discuss this matter further, please contact between Monday through Friday 8 am to 5 pm central time.

Sincerely,

Tony Autin

President Jonas Fitness, Inc.

ADDITIONAL STEPS YOU CAN TAKE

Free Credit Report. Regardless of whether you choose to take advantage of the complimentary identity monitoring, it is always advisable to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. If you identify any unauthorized charges on your financial account statements, you should immediately report any such charges to your financial institution. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. To order your annual 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 from the U.S. Federal Trade Commission's ("FTC") website at www.consumer.ftc.gov) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

Contact information for the three nationwide credit reporting companies is as follows:

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P.O. Box 740256	P.O. Box 9554	P.O. Box 105281
Atlanta, Georgia 30348	Allen, Texas 75013	Atlanta, GA 30348-5281
www.equifax.com	www.experian.com	www.transunion.com

Security Freeze. Security freezes, also known as credit freezes, restrict access to your credit file, making it harder for identity thieves to open new accounts in your name. You can freeze and unfreeze your credit file for free. You also can get a free freeze for your children who are under 16. And if you are someone's guardian, conservator, or have a valid power of attorney, you can get a free freeze for that person, too.

How will these freezes work? Contact all three of the nationwide credit reporting agencies – Equifax, Experian, and TransUnion. If you request a freeze online or by phone, the agency must place the freeze within one business day. If you request a lift of the freeze, the agency must lift it within one hour. If you make your request by mail, the agency must place or lift the freeze within three business days after it gets your request. You also can lift the freeze temporarily without a fee.

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The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for them 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, current mailing address, and the date of issue. You may obtain information from the credit reporting agencies and the FTC about security freezes.

For New Mexico residents: You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

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Federal Trade Commission and State Attorneys General Offices. If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your home state. You may also contact these agencies for information on how to prevent or avoid identity theft. You may contact the Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580, www.ftc.gov/bcp/edu/microsites/idtheft/, 1.877.IDTHEFT (438.4338).

For Connecticut Residents: You may contact and obtain information from your state attorney general at: Connecticut Attorney General's Office, 55 Elm Street, Hartford, CT 06106, 1.860.808.5318, www.ct.gov/ag.

For District of Columbia Residents: You may contact the Office of the Attorney General for the District of Columbia, 441 4th Street NW, Suite 1100 South, Washington, D.C. 20001, <https://oag.dc.gov>, 202.442.9828.

For Maryland Residents: You may contact the Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, <https://www.marylandattorneygeneral.gov/>, 1.888.743.0023.

For New York Residents: You may contact the 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 North Carolina Residents: You may contact the North Carolina Office of the Attorney General, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, www.ncdoj.gov, 1.877.566.7226.

For Rhode Island Residents: You may contact the Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, <http://www.riag.ri.gov>, 401.274.4400.

For Washington Residents: You may contact the Washington State Office of the Attorney General, 1125 Washington St SE, PO Box 40100, <https://www.atg.wa.gov>, Olympia, WA 98504 1.800.551.4636 (in Washington only) or 1.206.464.6684.

For West Virginia Residents: You may contact the office of the West Virginia Attorney General, PO Box 1789, Charleston, WV 25326-1789, <https://ago.wv.gov>. 1.800.368.8808

Reporting of identity theft and obtaining a police report.

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For Iowa Residents: You are advised to report any suspected identity theft to law enforcement or to the Iowa Attorney General.

For Massachusetts Residents: You have the right to obtain a police report if you are a victim of identity theft. You also have a right to file a police report and obtain a copy of it.

For Oregon Residents: You are advised to report any suspected identity theft to law enforcement, the Federal Trade Commission, and the Oregon Attorney General.

For Rhode Island Residents: You have the right to file or obtain a police report regarding this incident.