

STATE OF NH  
DEPT OF JUSTICE

2016 SEP -1 AM 9:15

**BakerHostetler**

**Baker&Hostetler LLP**

312 Walnut Street  
Suite 3200  
Cincinnati, OH 45202-4074

T 513.929.3400  
F 513.929.0303  
[www.bakerlaw.com](http://www.bakerlaw.com)

Craig A. Hoffman  
direct dial: 513.929.3491  
[cahoffman@bakerlaw.com](mailto:cahoffman@bakerlaw.com)

August 31, 2016

**VIA OVERNIGHT MAIL**

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

*Re: Incident Notification*

Dear Attorney General Foster:

We are writing on behalf of our client, Kimpton Hotels & Restaurants, to notify you of a security incident that may have involved the payment card information of New Hampshire residents.

Kimpton received a report on July 15, 2016 of unauthorized charges occurring on payment cards after they had been used by guests at one of its hotels. Kimpton immediately began to investigate the report and hired leading cyber security firms to examine its payment card processing system. Findings from the investigation show that malware was installed on servers that processed payment cards used at the restaurants and front desks of certain Kimpton properties.

The malware was designed to search for track data read from the magnetic stripe of a payment card as it was being routed through the affected server. The malware primarily found track data that contained the card number, expiration date, and internal verification code, but in a small number of instances it may have found the track that also contains the cardholder name.

This incident involved cards used at certain restaurants and hotel front desks during the window of February 16, 2016 to July 7, 2016. A list of the affected hotel front desks and restaurants, along with the specific time frames for each (times vary by location) is located at [www.kimptonhotels.com/protectingourguests](http://www.kimptonhotels.com/protectingourguests).

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver  
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Kimpton has taken significant steps to resolve this issue and strengthen the security of its network environment. Measures taken to stop the attack included resetting all enterprise passwords, segmentation efforts, blocking certain network communication attempts and removing affected systems from the network. Law enforcement was notified. In addition, the payment card networks have been notified so that they can work with the banks that issued payment cards used during the at-risk time period. Lastly, Kimpton has established a dedicated call center that potentially affected individuals can call with questions regarding the incident.

For cards used in its restaurants, Kimpton is not able to identify a mailing address or email address for potentially affected cardholders, nor is Kimpton able to identify a mailing address or email address for all individuals who used their card at a front desk. Accordingly, Kimpton is not able to identify the total number of potentially affected New Hampshire residents. Consequently, pursuant to N.H. Rev. Stat. Ann. §359-C:20, Kimpton Hotels & Restaurants is providing substitute notification today to New Hampshire residents who used their payment cards at a restaurant or hotel front desk in an affected Kimpton location during that location's at risk time frame by posting a statement on its website and issuing a press release. The substitute notification and press release are enclosed. Kimpton believes it will be able to identify the mailing address of some New Hampshire residents who used their payment cards at the front desk of an affected hotel. In accordance with N.H. Rev. Stat. Ann. §359-C:20, Kimpton will be mailing a letter to these individuals. A copy of the notification letter is enclosed. Notification is being provided as soon as possible following the completion of an investigation by Kimpton to determine the scope of the incident. *See* N.H. Rev. Stat. Ann. §359-C:20.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig A. Hoffman", with a long horizontal flourish extending to the right.

Craig A. Hoffman  
Partner

Enclosures