

# ALSTON & BIRD

The Atlantic Building  
950 F Street, NW  
Washington, DC 20004-1404  
202-239-3300 | Fax: 202-239-3333

Kimberly Peretti

Direct Dial: 202-239-3720

RECEIVED

MAY 26 2023

CONSUMER PROTECTION

kimberly.peretti@alston.com

May 25, 2023

**CONFIDENTIAL  
VIA OVERNIGHT DELIVERY**

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

Re: Notice of Data Security Incident

To the New Hampshire Attorney General's Office:

We are writing on behalf of Managed Care of North America, Inc. ("MCNA") to notify you of a data security incident. MCNA provides dental benefits and services to State Medicaid agencies, Children's Health Insurance Programs, corporations and insurance plans. The data involved in this incident included personal information associated with MCNA healthcare providers and Healthplex, Inc. ("Healthplex") healthcare providers, to which MCNA provides services. MCNA is also providing this notice on behalf of its and Healthplex's clients, the entities listed in Attachment A, which maintain the individual relationships with the members whose data was involved in this incident. A copy of the representative templates being sent by MCNA to approximately 644 affected New Hampshire residents beginning on or about May 26, 2023 by first class mail in accordance with notification requirements under state law is attached to this letter.

On March 6, 2023, MCNA became aware that an unauthorized party was able to access certain MCNA systems. Upon discovery the same day, MCNA took immediate steps to contain the threat and engaged a third-party forensic firm to investigate the incident and assist with remediation efforts. MCNA subsequently discovered that certain systems within the network may have been infected with malicious code. Through its investigation, MCNA determined that an unauthorized third party was able to access certain systems and remove copies of some personal information between February 26, 2023 and March 7, 2023. MCNA conducted a comprehensive review of the impacted data to determine what information was affected and to whom the information related. This review was completed on May 3, 2023, and MCNA sent written notifications to its impacted clients listed in Attachment A on May 4, 2023.

Personal information involved may have included:

Alston & Bird LLP

[www.alston.com](http://www.alston.com)

Atlanta | Beijing | Brussels | Charlotte | Dallas | Fort Worth | London | Los Angeles | New York | Raleigh | San Francisco | Silicon Valley | Washington, D.C.

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Not all data elements were involved for all individuals.

MCNA takes data security very seriously and has taken necessary and appropriate steps to prioritize the continued protection of personal information. In response to this incident and as part of its ongoing effort to stay ahead of evolving threats, MCNA has further enhanced its security and monitoring practices and further strengthened its systems to minimize the risk that a similar incident occurs in the future.

Free credit monitoring services are being offered to the New Hampshire residents whose personal information may have been involved.

If you have any questions regarding this incident or if you desire further information or assistance, please email me at [Kimberly.Peretti@alston.com](mailto:Kimberly.Peretti@alston.com) or call my direct line at (202) 239-3720.

Sincerely,

Kimberly Peretti

Enclosures

[MCNA Logo] <<State Logo>>

<<Return Address>>

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

To Enroll, Please Call:

[Number]

Or Visit: [Website]

Enrollment Code: <<XXXXXXXXXX>>

<<First Name>><<Middle Initial>><<Last Name>><<Suffix>>

<<Address 1>>

<<Address 2>>

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

May 26, 2023

<<Su información personal puede haber estado involucrada en un incidente de datos. Si desea recibir una version de esta carta en español, por favor llame [Number].>>

### **Notice of Data Breach**

Dear <<First Name>> <<Middle Initial>> <<Last Name>> <<Suffix>>:

We are sorry to tell you about a privacy event. This letter is from MCNA. We work with the <<COVERED ENTITY NAMES>> and the Children's Health Insurance Program to help provide benefits. This event may have involved your information.

#### **What happened?**

On March 6, 2023, MCNA became aware of certain activity in our computer system that happened without our permission. We quickly took steps to stop that activity. We began an investigation right away. A special team was hired to help us. We learned a cybercriminal was able to see and take copies of some information in our computer system between February 26, 2023 and March 7, 2023.

#### **Why did this happen?**

A cybercriminal accessed our computer system without our permission.

#### **What was done about it?**

When we learned about the activity, we immediately began an investigation. Law enforcement was contacted. We are also making our computer systems even stronger than before because we do not want this to happen again.

We would like to offer you a free identity theft protection service. We will pay for the cost of this service for <<1 year/2 years>> so that it is free for you. We have attached steps on how to sign up for this free service.

**What should I do?**

You can sign up for the free identity theft protection service. Please check your bills and accounts to be sure they look correct. We have attached steps on how to do that.

**What if I have a question?**

If you have any questions or concerns, please call us toll free at [Number]. You can also see more information at: [Website]. We are sorry for any concern this event may cause.

Sincerely,

[Contact]

[Title]



## **Reference Guide**

### **Review Your Account Statements**

Carefully review statements sent to you from your healthcare providers, insurance company, and financial institutions to ensure that all of your account activity is valid. Report any questionable charges promptly to the provider or company with which you maintain the account.

### **Provide Any Updated Personal Information to Your Health Care Provider**

Your health care provider's office may ask to see a photo ID to verify your identity. Please bring a photo ID with you to every appointment if possible. Your provider's office may also ask you to confirm your date of birth, address, telephone, and other pertinent information so that they can make sure that all of your information is up-to-date. Please be sure and tell your provider's office when there are any changes to your information. Carefully reviewing this information with your provider's office at each visit can help to avoid problems and to address them quickly should there be any discrepancies.

### **Order Your Free Credit Report**

To order your free annual credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), call toll-free at (877) 322-8228, or complete the Annual Credit Report Request Form on the U.S. Federal Trade Commission's ("FTC") website at [www.ftc.gov](http://www.ftc.gov) and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. The three credit bureaus provide free annual credit reports only through the website, toll-free number or request form.

Upon receiving your credit report, review it carefully. Look for accounts you did not open. Look in the "inquiries" section for names of creditors from whom you have not requested credit. Some companies bill under names other than their store or commercial names; the credit bureau will be able to tell if this is the case. Look in the "personal information" section for any inaccuracies in information (such as home address and Social Security Number).

If you see anything you do not understand, call the credit bureau at the telephone number on the report. Errors may be a warning sign of possible identity theft. You should notify the credit bureaus of any inaccuracies in your report, whether due to error or fraud, as soon as possible so the information can be investigated and, if found to be in error, corrected. If there are accounts or charges you did not authorize, immediately notify the appropriate credit bureau by telephone and in writing. Information that cannot be explained should also be reported to your local police or sheriff's office because it may signal criminal activity.

### **How to Enroll in IDX Credit and Identity Monitoring Services**

As a safeguard, you may enroll, at no cost to you, in an online credit monitoring and identity restoration service provided by IDX. To enroll in this service, please call [Number] or visit [Website] and follow the instructions for enrollment using the Enrollment Code provided above.

The monitoring included in the membership must be activated to be effective. You have until [Date] to enroll in these services. Please note that credit monitoring services may not be available for individuals who have not established credit or an address in the United States (or its territories) and a valid Social Security number. Enrolling in this service will not affect your credit score. If you need assistance, IDX will be able to assist you.

We encourage you to take advantage of these protections and remain vigilant for incidents of potential fraud and identity theft, including regularly reviewing and monitoring your credit reports and account statements.

### **Contact the U.S. Federal Trade Commission**

If you detect any unauthorized transactions in any of your financial accounts, promptly notify the appropriate payment card company or financial institution. If you detect any incidents of identity theft or fraud, promptly report the matter to your local law enforcement authorities, state Attorney General and the FTC.

You can contact the FTC to learn more about how to protect yourself from becoming a victim of identity theft by using the contact information below:

Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)  
[www.ftc.gov/idtheft/](http://www.ftc.gov/idtheft/)

### **Place a Fraud Alert on Your Credit File**

To protect yourself from possible identity theft, consider placing a fraud alert on your credit file. A fraud alert helps protect against the possibility of an identity thief opening new credit accounts in your name. When a credit grantor checks the credit history of someone applying for credit, the credit grantor gets a notice that the applicant may be the victim of identity theft. The alert notifies the credit grantor to take steps to verify the identity of the applicant. You can place a fraud alert on your credit report by calling any one of the toll-free fraud numbers provided below. You will reach an automated telephone system that allows flagging of your file with a fraud alert at all three credit bureaus.

Equifax	P.O. Box 105069 Atlanta, Georgia 30348	1- 888-766-0008	<a href="http://www.equifax.com">www.equifax.com</a>
Experian	P.O. Box 9554 Allen, Texas 75013	1-888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	P.O. Box 2000 Chester, PA 19016	1-800-680-7289	<a href="http://www.transunion.com">www.transunion.com</a>

### **Security Freezes**

You have the right to request a credit freeze from a consumer reporting agency, free of charge, so that no new credit can be opened in your name without the use of a PIN number that is issued to you when you initiate a freeze. A security freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a security freeze, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a security freeze may delay your ability to obtain credit.

Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit bureau. To place a security freeze on your credit report you must contact the credit reporting agency by phone, mail, or secure electronic means and provide proper identification of your identity. 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 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.

Below, please find relevant contact information for the three consumer reporting agencies:

Equifax Security Freeze	P.O. Box 105788 Atlanta, GA 30348	1-800-685-1111	<a href="http://www.equifax.com">www.equifax.com</a>
Experian Security Freeze	P.O. Box 9554 Allen, TX 75013	1-888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
TransUnion	P.O. Box 160	1-888-909-8872	<a href="http://www.transunion.com">www.transunion.com</a>



Woodlyn, PA 19094

Once you have submitted your request, the credit reporting agency must place the security freeze no later than 1 business day after receiving a request by phone or secure electronic means, and no later than 3 business days after receiving a request by mail. No later than five business days after placing the security freeze, the credit reporting agency will send you confirmation and information on how you can remove the freeze in the future.

#### **For Residents of the District of Columbia**

You may contact the D.C. Attorney General's Office to obtain information about steps to take to avoid identity theft:

D.C. Attorney General's Office, Office of Consumer Protection, 400 6<sup>th</sup> Street, NW, Washington DC 20001, 1-202-442-9828, [www.oag.dc.gov](http://www.oag.dc.gov).

#### **For Residents of Iowa**

You may contact law enforcement or the Iowa Attorney General's office to report suspected incidents of identity theft. The Iowa Attorney General's Office can be reached at:

Iowa Attorney General's Office, Director of Consumer Protection Division, 1305 E. Walnut Street, Des Moines, IA 50319, 1-515-281-5926, [www.iowattorneygeneral.gov](http://www.iowattorneygeneral.gov).

#### **For Residents of Maryland**

You may also obtain information about preventing and avoiding identity theft from the Maryland Office of the Attorney General:

Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023, <http://www.marylandattorneygeneral.gov/>.

#### **For Residents of Massachusetts**

You have the right to obtain a police report with respect 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 Residents of New Mexico**

New Mexico consumers have the right to obtain a security freeze or submit a declaration of removal.

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.

The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval. The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:

- (1) the unique personal identification number, password or similar device provided by the consumer reporting agency;
- (2) proper identification to verify your identity; and
- (3) information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.

A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying. As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.

#### **For Residents of New York**

You may also obtain information about security breach response and identity theft prevention and protection from the New York Attorney General's Office:

Office of the Attorney General, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, [www.ag.ny.gov](http://www.ag.ny.gov).

#### **For Residents of North Carolina**

You may also obtain information about preventing and avoiding identity theft from the North Carolina Attorney General's Office:

North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-919-716-6000, [www.ncdoj.gov](http://www.ncdoj.gov).

#### **For Residents of Oregon**

State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission. Contact information for the Oregon Department of Justice is as follows:

Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, 1-877-877-9392, [www.doj.state.or.us](http://www.doj.state.or.us).

#### **For Residents of Rhode Island**

You have a right to file or obtain a police report related to this incident. You may also obtain information about preventing and avoiding identity theft from the Rhode Island Office of the Attorney General:

Office of the Attorney General, 150 South Main Street, Providence, RI, 02903, 1-401-274-4400, [www.riag.ri.gov](http://www.riag.ri.gov).