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February 27, 2015

VIA EMAIL 

New Hampshire Attorney General Joseph Foster
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Anthem, Inc. Data Breach

Dear Attorney General Foster:

Pursuant to New Hampshire's Right to Privacy Act, §359-C:1, we write to inform you that a downstream subcontractor, Anthem, Inc. ("Anthem"), to McDermott Will & Emery LLP ("McDermott")'s employer-sponsored group health plan was the victim of a cyber-attack, commencing on or about December 10, 2014, and initially discovered by Anthem on or about January 29, 2015.

We understand that Anthem may have previously notified you of this incident. Because McDermott is the owner of information about our employees that may have been compromised by this cyber-attack, we are writing separately to notify you of the incident and meet any obligations we may have under state law.

To clarify the relationships involved, the health insurance plan that McDermott provides to its employees is the McDermott BlueCross BlueShield medical plan ("the Plan"). The Plan is administered by BlueCross BlueShield of Illinois ("BCBSIL"), and not by Anthem. However, we understand from BCBSIL that Anthem plays a role in processing claims for the McDermott Plan participants who have received medical care and services in states where Anthem operates. Anthem is a service provider to BCBSIL.

We have been in direct communication with BCBSIL. Through BCBSIL, we learned that, on January 29, 2015, Anthem discovered that cyber attackers executed a sophisticated attack to gain unauthorized access to Anthem's databases that store employee and customer data. In its initial communication to us, BCBSIL stated that it was not clear how many records had been exposed, or if any data pertaining to McDermott Plan participants was part of the exposed data. It also reported that, while the forensics investigation is ongoing to determine whose information was accessed, Anthem reported that no medical records were accessed in the breach.

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Recently, BCBSIL notified us that Anthem provided it with a data file containing further information about individuals potentially affected by the data breach. BCBSIL is presently examining this file to determine if any of the McDermott Plan participants may have been impacted. To date, BCBSIL has not yet been able to identify for McDermott any affected Plan participants, nor the states where any affected individuals reside.

However, BCBSIL recently notified us that its “preliminary analysis suggests that protected health information and/or personal information about your members, including addresses, dates of birth, and telephone numbers *may have been impacted.*” (emphasis supplied). The BCBSIL notice indicated that “[a] small percentage of member Social Security numbers were exposed.” The BCBSIL notice also indicated, “If your members have not received health care in the following Anthem locations, they are not likely to have been impacted by Anthem’s data breach: California, Colorado, Connecticut, Georgia, Indiana, Kentucky, Maine, Missouri, Nevada, New Hampshire, New York, Ohio, Virginia or Wisconsin.” Further, it states that not all members who did receive care in those listed states have had their information impacted.

McDermott has Plan participants in your state. Though we do not yet know definitively if they have been affected, we write to inform you of the data breach at this time, as BCBSIL identified your state as one of the states in which our Plan participants’ data may have been impacted. BCBSIL has informed us that it will provide us the specific numbers of impacted residents of your state and the identity of those residents when it has completed its analysis. Once we have received that information, we will ensure that any consumer notification obligations are met promptly, and will notify you accordingly.

In the meantime, if you have any questions please do not hesitate to contact me.

Sincerely,

Ann I. Kellum / BUC



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