



October 11, 2023

**VIA EMAIL**

Attorney General John M. Formella  
Office of the Attorney General  
Consumer Protection Bureau  
33 Capitol Street  
Concord, NH 03301  
Email: DOJ-CPB@doj.nh.gov

Re: Notice of Data Security Incident

Dear Attorney General Formella:

Constangy, Brooks, Smith & Prophete, LLP represents OrthoAlaska, LLC (“OrthoAlaska”) in connection with a recent data security incident described in greater detail below.

**1. What Happened**

On October 12, 2022, OrthoAlaska discovered unauthorized activity on their systems. In response, OrthoAlaska immediately began containment, mitigation, and restoration efforts to terminate the activity and to secure their network, systems, and data. In addition, OrthoAlaska retained independent cybersecurity experts to conduct a forensic investigation into the incident and assist them in determining what happened. This forensic investigation determined that there was unauthorized access to files stored within OrthoAlaska’s systems that contained information about their patients.

With the assistance of outside data privacy and cybersecurity experts, OrthoAlaska conducted an investigation to identify the individuals whose personal information may have been impacted by this incident and the categories of information potentially involved for each individual. OrthoAlaska recently determined that the impacted systems contained some of their patients personal information. OrthoAlaska then completed a comprehensive review of all affected information to identify which individuals were potentially impacted and locate relevant address information to effectuate notification to such OrthoAlaska patients, which was completed on September 13, 2023.

Please note that OrthoAlaska has no reason to believe that their patients information was published, shared, or misused as a result of this incident.

**2. What Information Was Involved**

The data involved may have included individuals’

### **3. Number of New Hampshire Residents Notified**

On October 11, 2023, OrthoAlaska notified forty (40) New Hampshire residents of this data security incident via U.S. First-Class Mail. A sample copy or equivalent of the notification letter sent to potentially impacted individuals is included with this correspondence.

### **4. Steps Taken Relating to the Incident**

As soon as OrthoAlaska discovered the incident, they took the steps described above, including performing a thorough review of their systems to investigate the incident and ensure that their systems remain secure, and implemented additional security measures to protect their digital environment and minimize the likelihood of future incidents. OrthoAlaska also reported the incident to the Federal Bureau of Investigation and will cooperate to help identify and prosecute those responsible.

OrthoAlaska is also providing individuals whose SSN was potentially affected with access to Single Bureau Credit Monitoring/Single Bureau Credit Report/Single Bureau Credit Score services at no charge. These services provide individuals with alerts for 12 months from the date of enrollment when changes occur to individuals' credit file. This notification is sent to individuals the same day that the change or update takes place with the bureau. Finally, OrthoAlaska is providing individuals with proactive fraud assistance to help with any questions that individuals might have, or in event that individuals become a victim of fraud. These services will be provided by IDX through CyberScan.

### **5. Contact Information**

OrthoAlaska remains dedicated to protecting the personal information in its possession. If you have any questions or need additional information, please do not hesitate to contact me.

Best regards,

Maria Efaplatidis  
CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

Enclosure: Sample Notification Letter



PO Box 480149  
Niles, IL 60714

<<First Name>> <<Last Name>>  
<<Address1>> <<Address2>>  
<<City>>, <<State>> <<Zip>>

October 11, 2023

### Notice of Data Security <<VAR DATA 2>>

Dear <<First Name>> <<Last Name>>,

We are notifying you of an incident that may have involved your personal information. OrthoAlaska, LLC, the parent company of Orthopedic Physicians Alaska and Primary Care Associates (hereinafter “OrthoAlaska”) takes the privacy and security of your information very seriously, which is why we are informing you of the incident and providing you with steps you can take to protect your information.

**What happened?** On October 12, 2022, OrthoAlaska discovered unauthorized activity on our systems. In response, we immediately began containment, mitigation, and restoration efforts to terminate the activity and to secure our network, systems, and data. In addition, we retained independent cybersecurity experts to conduct a forensic investigation into the incident and assist us in determining what happened. This forensic investigation determined that there was unauthorized access to files stored within our systems that contain information about our patients.

With the assistance of outside data privacy and cybersecurity experts, OrthoAlaska conducted an investigation to identify the individuals whose personal information may have been impacted by this incident and the categories of information potentially involved for each individual. We recently determined that the impacted systems contained some of your personal information. OrthoAlaska then completed a comprehensive review of all affected information to identify which individuals were potentially impacted and locate relevant address information to effectuate notification to such OrthoAlaska patients, which was completed on September 13, 2023. Additionally, OrthoAlaska is committed to notifying all regulatory agencies as required under applicable state and federal law.

Please note that we have no reason to believe that your information was published, shared, or misused as a result of this incident. Nevertheless, out of an abundance of caution, we are notifying you to provide you with steps that you can take to protect your information.

**What Information Was Involved?** The information potentially involved included <<VAR DATA 1>>.

**What We Are Doing:** As soon as we discovered the incident, we took the steps described above, including performing a thorough review of our systems to investigate the incident and ensure that our systems remain secure, and implemented additional security measures to protect our digital environment and minimize the likelihood of future incidents. We also

reported the incident to the Federal Bureau of Investigation and will cooperate to help identify and prosecute those responsible.

Additionally, we are offering you complimentary identity theft protection services through IDX. These services include: <<12 / 24 >> months of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identity theft recovery services. With this protection, IDX will help you resolve issues if your identity is compromised.

**What You Can Do:** We encourage you to contact IDX with any questions and to enroll in the free identity protection services by calling \_\_\_\_\_ or going to <https://app.idx.us/account-creation/protect> and using the Enrollment Code provided above. IDX representatives are available Monday through Friday from 5:00 am – 5:00 pm Alaska Time. Please note that the deadline to enroll is \_\_\_\_\_. Again, there is no evidence that your information has been misused. However, we encourage you to take advantage of this offering. IDX representatives have been fully versed on the incident and can answer questions or concerns you may have regarding protection of your personal information.

**For More Information:** If you have any questions about this letter, please contact us at \_\_\_\_\_. IDX representatives are available Monday through Friday from 5:00 am – 5:00 pm Alaska Time. You will need to reference the enrollment code at the top of this letter when calling or enrolling online, so please do not discard this letter.

Please accept our sincere apologies and know that we deeply regret any worry or inconvenience that this may cause you.

Sincerely,

\_\_\_\_\_  
Timothy M. Mullen  
Chief Executive Officer  
OrthoAlaska, LLC

## Steps You Can Take to Protect Your Personal Information

**Review Your Account Statements and Notify Law Enforcement of Suspicious Activity:** As a precautionary measure, we recommend that you remain vigilant by reviewing your account statements and credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You also should promptly report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, your state attorney general, and/or the Federal Trade Commission (FTC).

**Copy of Credit Report:** You may obtain a free copy of your credit report from each of the three major credit reporting agencies once every 12 months by visiting <http://www.annualcreditreport.com/>, calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You also can contact one of the following three national credit reporting agencies:

**Equifax**

P.O. Box 105788  
Atlanta, GA 30348  
1-888-378-4329  
[www.equifax.com](http://www.equifax.com)

**Experian**

P.O. Box 9532  
Allen, TX 75013  
1-800-831-5614  
[www.experian.com](http://www.experian.com)

**TransUnion**

P.O. Box 1000  
Chester, PA 19016  
1-800-916-8800  
[www.transunion.com](http://www.transunion.com)

**Fraud Alert:** You may want to consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least one year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three credit reporting agencies identified above. Additional information is available at <http://www.annualcreditreport.com>.

**Security Freeze:** You have the right to put a security freeze on your credit file for up to one year at no cost. This will prevent new credit from being opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. A security freeze is designed to prevent potential creditors from accessing your credit report without your consent. As a result, using a security freeze may interfere with or delay your ability to obtain credit. You must separately place a security freeze on your credit file with each credit reporting agency. In order to place a security freeze, you may be required to provide the consumer reporting agency with information that identifies you including your full name, Social Security number, date of birth, current and previous addresses, a copy of your state-issued identification card, and a recent utility bill, bank statement or insurance statement.

**Additional Free Resources:** You can obtain information from the consumer reporting agencies, the FTC, or from your respective state Attorney General about fraud alerts, security freezes, and steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, including to the FTC or to the Attorney General in your state.

**Federal Trade Commission**

600 Pennsylvania Ave, NW  
Washington, DC 20580  
[consumer.ftc.gov](http://consumer.ftc.gov)  
1-877-438-4338

**Maryland Attorney General**

St. Paul Plaza  
200 St. Paul Place  
Baltimore, MD 21202  
[marylandattorneygeneral.gov](http://marylandattorneygeneral.gov)  
1-888-743-0023

**New York Attorney General**

Bureau of Internet and Technology  
Resources  
28 Liberty Street  
New York, NY 10005  
[ag.ny.gov](http://ag.ny.gov)  
1-212-416-8433 / 1-800-771-7755

**North Carolina Attorney General**

9001 Mail Service Center  
Raleigh, NC 27699  
[ncdoj.gov](http://ncdoj.gov)  
1-877-566-7226

**Rhode Island Attorney General**

150 South Main Street  
Providence, RI 02903  
<http://www.riag.ri.gov>  
[riag.ri.gov](http://riag.ri.gov)  
1-401-274-4400

**Washington D.C. Attorney General**

400 S 6th Street, NW  
Washington, DC 20001  
[oag.dc.gov](http://oag.dc.gov)  
1-202-727-3400

**You also have certain rights under the Fair Credit Reporting Act (FCRA):** These rights include to know what is in your file; to dispute incomplete or inaccurate information; to have consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information; as well as other rights. For more information about the FCRA, and your rights pursuant to the FCRA, please visit [https://files.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](https://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf).