Baker McKenzie.



April 01, 2024

**VIA EMAIL**
New Hampshire Attorney General
DOJ-CPB@doj.nh.gov

**RE: Data Breach Reporting**

Dear New Hampshire Attorney General:

Pursuant to the NH Rev. Stat. §359–C:20(I)(b), we are writing on behalf of our client Ace Hardware Corporation to provide notice regarding a data security incident involving **two (2)** New Hampshire residents. By providing this notice, Ace does not waive any rights or defenses regarding the applicability of New Hampshire law and/or waive the attorney-client privilege and/or work product doctrine.

## Nature of the Incident

On October 29, 2023, Ace detected a data security incident that resulted in the encryption of certain corporate systems (the "Incident"). The Incident did not involve local systems at Ace stores. In response to the Incident, Ace engaged experienced third-party cyber specialists to contain and investigate the Incident. Ace also cooperated with federal law enforcement who was actively investigating the unauthorized actor responsible for this Incident. After an in-depth investigation, Ace determined that an unauthorized actor gained access to Ace's corporate network between October 27-29, 2023. Ace commenced a lengthy review process to identify the specific data potentially accessed by the unauthorized actor and individuals impacted. On March 13, 2024, Ace concluded its review of impacted data and determined that two (2) New Hampshire residents were impacted. The information subject to unauthorized access included . In response to the incident, Ace has taken numerous steps to prevent reoccurrence, including, but not limited to, implementing additional technical safeguards to further enhance the security of information in its possession.

## Notice to Two (2) New Hampshire Residents

Ace is providing notice to all potentially-affected individuals **and** providing of free identity-theft protection services. Notice to these individuals will be mailed by USPS on or about April 1, 2024. Enclosed for your reference is a sample of the notice.

## Contact Information

Please feel free to contact me with any questions at or .

Justine Phillips
Partner

Ace Hardware Corporation
2915 Jorie Blvd
Oak Brook, IL, United States, 60523

April 1, 2024

[redacted]

**Notice of Data Breach**

Dear [redacted],

Ace Hardware Corporation ("Ace") is writing to inform you of a data security incident that involved your personal information. Ace values its employees and is committed to protecting your personal information, which is why we are writing to explain what happened, what information was involved, our response, and resources available to further protect your personal information.

**WHAT HAPPENED?**

On October 29, 2023, Ace discovered a data security incident that impacted certain corporate systems. The incident did not involve local systems at Ace stores. Upon discovery, we took immediate action to secure our environment and investigate, which included engaging third-party specialists to determine the nature, scope and impact of the incident. After a thorough investigation, we determined that certain information maintained on our corporate network may have been accessed by the unauthorized actor between October 27-29, 2023. We then began a lengthy review process to identify the specific data potentially accessed and individuals impacted. On March 13, 2024, we concluded our review of impacted data and determined that your personal information was included.

**WHAT INFORMATION WAS INVOLVED?**

The types of information involved include your [redacted]. To date, we have no evidence of misuse of any of the data involved in this incident.

**WHAT WE ARE DOING.**

We have taken the steps necessary to address the incident and are committed to protecting the information you have entrusted to us. Immediately upon detecting this incident, we took steps to secure our environment from further risk, began remediation and recovery efforts, and launched a thorough investigation in partnership with third-party cybersecurity experts. We also worked closely with law enforcement who is conducting an active investigation into the unauthorized actor responsible for this incident. Ace also implemented additional technical safeguards to further enhance the security of information in our possession and to help prevent similar events from happening in the future.

In addition, out of an abundance of caution, we are offering you complimentary [redacted]month membership of Experian's® IdentityWorks℠ credit monitoring and identity protection services. Steps to enroll in this service are detailed below. This service helps detect possible misuse of your personal information, provides you with identity protection support and helps with resolution of identity theft. Its services include a bureau credit report, credit monitoring, and identity restoration support.



[redacted]

To activate your membership and start monitoring your personal information please visit https://www.experianidworks.com/credit to activate. You have until [redacted] to activate your identity and credit monitoring services. Your activation code is: [redacted]

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian's IdentityWorks℠ online, please contact Experian's customer care team, toll-free, at [redacted] by [redacted] Be prepared to provide engagement number [redacted] as proof of eligibility for the identity restoration services by Experian.

**WHAT YOU CAN DO.**

In addition to utilizing the credit monitoring and identity theft protection program above, we recommend that you remain vigilant against incidents of identity theft and fraud by regularly reviewing your credit reports and account statements for suspicious activity and to detect errors. If you discover any suspicious or unusual activity on your accounts, please promptly contact the financial institution or company. We are providing additional information below about steps you can take to protect your personal information, including placing a fraud alert and/or security freeze on your credit files, and/or obtaining a free credit report.

**FOR MORE INFORMATION.**

We deeply regret any concern this incident may cause. If you have any further questions regarding this incident, please call the dedicated and confidential Ace toll-free telephone line that we have set up to respond to questions at [redacted]. The response line is available Monday through Friday, 7:00 a.m. through 10:00 p.m. Central Time and Saturday and Sunday, 7:00 a.m. through 7:00 p.m. Central Time.

Sincerely,
ACE HARDWARE CORPORATION

Kane Calamari
SVP, Chief Human Resources Officer



[redacted]

## Steps You Can Take to Protect Against Identity Theft and Fraud

### Order Credit Report

We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

### Place A Fraud Alert

At no charge, you can also have these credit bureaus place a "fraud alert" on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. Note, however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, please contact any one of the agencies listed below.

| | Experian | Equifax | TransUnion |
|---|---|---|---|
| **Phone** | 1-888-397-3742 | 1-800-525-6285 or<br>1-888-766-0008 | 1-800-680-7289 |
| **Address** | Experian Fraud Division<br>P.O. Box 9554<br>Allen, TX 75013 | Equifax Consumer Fraud Division<br>PO Box 740256<br>Atlanta, GA 30374 | TransUnion LLC<br>P.O. Box 2000<br>Chester, PA 19016 |
| **Online Credit Report Fraud Alert Form** | https://www.experian.com/fraud/center.html | https://www.equifax.com/personal/credit-report-services/ | https://fraud.transunion.com/fa/fraudAlert/landingPage.jsp |

It is necessary to contact only ONE of these bureaus and use only ONE of these methods. As soon as one of the three bureaus confirms your fraud alert, the others are notified to place alerts on their records as well. You will receive confirmation letters in the mail and will then be able to order all three credit reports, free of charge, for your review. An initial fraud alert will last for one year.

### Place A Security Freeze

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer's credit report without the consumer's written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services. Under federal law, you cannot be charged to place, lift, or remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place a freeze on all your credit files. To find out more on how to place a security freeze, you can use the following contact information:

| | Experian | Equifax | TransUnion |
|---|---|---|---|
| **Address** | Experian Security Freeze<br>P.O. Box 9554<br>Allen, TX 75013 | Equifax Security Freeze<br>P.O. Box 105788<br>Atlanta, Georgia 30348 | TransUnion LLC<br>P.O. Box 2000<br>Chester, PA 19016 |
| **Online Security Freeze Form** | https://www.experian.com/freeze/center.html | https://www.equifax.com/personal/credit-report-services | https://www.transunion.com/credit-freeze |

To request a security freeze, you will need to provide some or all the following information to the credit reporting agency, depending on whether you do so online, by phone, or by mail:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.)
2. Social Security Number
3. Date of Birth



[redacted]

4. If you have moved in the past five (5) years, the addresses where you have lived over the prior five years
5. Proof of current address, such as a current utility bill, telephone bill, rental agreement, or deed
6. A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)
7. Social Security Card, pay stub, or W2
8. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

The credit reporting agencies have one (1) to three (3) business days after receiving your request to place a security freeze on your credit report, based upon the method of your request. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password (or both) that can be used by you to authorize the removal or lifting of the security freeze. It is important to maintain this PIN/password in a secure place, as you will need it to lift or remove the security freeze.

To lift the security freeze to allow a specific entity or individual access to your credit report, you must make a request to each of the credit reporting agencies by mail, via their website, or by phone (using the contact information above). You must provide proper identification (including name, address, and social security number) and the PIN number or password provided to you when you placed the security freeze, as well as the identities of those entities or individuals you would like to receive your credit report. You may also temporarily lift a security freeze for a specified period rather than for a specific entity or individual, using the same contact information above. The credit bureaus have between one (1) hour (for requests made online) and three (3) business days (for request made by mail) after receiving your request to lift the security freeze for those identified entities or for the specified period.

You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that you have been a victim. A police report is often required to dispute fraudulent items. You can report suspected incidents of identity theft to local law enforcement, your state Attorney General, or the Federal Trade Commission. This notice has not been delayed by law enforcement.

**The Federal Trade Commission** can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580, www.identitytheft.gov, 1-877-ID-THEFT (1-877-438-4338); TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above.

**Maryland Residents:** You may obtain information from the Maryland Office of the Attorney General about steps you can take to avoid identity theft at: Office of the Attorney General of Maryland**,** Consumer Protection Division**,** 200 St. Paul Place, Baltimore, MD 21202**;** Telephone: 1-888-743-0023; www.oag.state.md.us/Consumer

**New York Residents:** You may obtain information about security breach response and identity theft prevention and protection from the following New York state agencies:

New York Attorney General
Consumer Frauds & Protection Bureau
120 Broadway, 3rd Floor
New York, NY 10271
(800) 771-7755
www.ag.ny.gov

New York Department of State
Division of Consumer Protection
99 Washington Avenue
Suite 650
Albany, NY 12231
(800) 697-1220
www.dos.ny.gov

**North Carolina Residents:** You may obtain information about preventing identity theft from the North Carolina Attorney General's Office at: Office of the Attorney General of North Carolina**,** 9001 Mail Service Center**,** Raleigh, NC 27699-9001**;** Telephone: 1-919-716-6400**;** www.ncdoj.gov

**All US Residents:** Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, www.consumer.gov/idtheft, 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.