



April 5, 2019

Via U.S. Mail

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

RECEIVED

APR 17 2019

CONSUMER PROTECTION

To Whom It May Concern:

I am writing on behalf of AeroGrow International, Inc. ("AeroGrow") to inform you of a security incident potentially affecting 245 New Hampshire residents.

On March 4, 2019, AeroGrow learned that an unauthorized person may have acquired, through the use of malicious code, the payment card information that users entered into the eCommerce vendor's payment page. Upon learning of the incident, we immediately removed the malicious code and secured the website. Our investigation indicates that the payment card information our customers submitted to the eCommerce vendor's payment page — including payment card number, expiration date, and CCV/CVV code — may have been compromised. Any additional personal information of New Hampshire residents could not have been involved in this incident because AeroGrow does not collect other categories of personal information, such as Social Security number, personal identification number (PIN), driver's license number, or financial account information.

We will send a notification to all potentially affected New Hampshire residents on or about April 5, 2019 and offer them a one-year membership in Experian's IdentityWorks Plus credit monitoring product at no cost to them. A copy of the template notice is enclosed with this letter.

We also contacted law enforcement and will cooperate in their investigation.

If you have any questions concerning this matter, please do not hesitate to contact me at 303-953-6212 or grey@aerogrow.com

Very truly yours,

A handwritten signature in black ink, appearing to read "Grey H. Gibbs", written over a horizontal line.

Grey H. Gibbs

[Insert Date]

[Name of Recipient]

[Street Address]

[City/State/Zip]

Dear [NAME OF RECIPIENT]:

AeroGrow International, Inc. ("AeroGrow") values its customers and is committed to protecting your personal information. Unfortunately, like many companies in today's global digital economy, we recently received information suggesting that we may have experienced an information security incident. We are writing to inform you of the incident, which could potentially affect you, and to share with you the steps that AeroGrow is taking to address it.

On March 4, 2019, AeroGrow learned that an unauthorized person may have acquired, through the use of malicious code, the payment card information that users entered into the eCommerce vendor's payment page. Upon learning of the incident, we immediately removed the malicious code and secured the website. We are writing to you because our investigation indicates that the payment card information you submitted to the eCommerce vendor's payment page — including payment card number, expiration date, and CCV/CVV code — may have been compromised. This malicious code may have been present on our website between October 29, 2018, and March 4, 2019.

Please note that none of your personal information, other than possibly your payment card information submitted to the eCommerce vendor's payment page, could have been involved in this incident. AeroGrow does not collect other personal information about its customers, such as Social Security number, personal identification number (PIN), driver's license number, or financial account information.

Nevertheless, out of an abundance of caution, AeroGrow is offering you one year of identity protection services at no cost to you through Experian, one of the three nationwide credit bureaus. Your one-year membership in Experian's IdentityWorks PlusSM product provides identity restoration services, fraud detection tools, and other benefits which include monitoring your credit file at Experian. Starting today, if you suspect that your personal information has been used fraudulently, you can call Experian's identity restoration agents to assist you to investigate and resolve any incidents of fraud. You may take advantage of this benefit, at any time, until July 7, 2019, by calling Experian at 1-877-288-8057. No enrollment or activation is necessary. The terms and conditions for identity restoration are located at www.ExperianIDWorks.com/restoration.

While identity restoration is immediately available to you, we also encourage you to activate fraud detection tools available through IdentityWorks PlusSM. This product provides you with identity detection, credit monitoring, and resolution of identity theft.

If you wish to enroll in IdentityWorks PlusSM, you will need to do the following:

1. **Visit** the IdentityWorks PlusSM web site: <https://www.experianidworks.com/plus> or call 1-877-288-8057 to enroll and provide Engagement Number **DB11675**.
2. **PROVIDE** your Activation Code: **[CODE]**



Enrollment Deadline: July 7, 2019 (your Activation Code will not work after this date).

If you have any questions concerning IdentityWorks PlusSM or if you prefer to enroll over the phone for delivery of your membership via US mail, please call Experian at 1-877-288-8057. Be prepared to provide Engagement Number **DB11675** as proof of eligibility for the identity protection product by Experian.

In addition to the offer of IdentityWorks PlusSM, we have included with this letter additional information on steps you can take to protect the security of your personal information. We urge you to review this information carefully.

AeroGrow takes seriously both the security of your payment card information and this incident. We have informed law enforcement and will cooperate with their investigation. In addition, we have taken the appropriate steps to limit the likelihood of a recurrence, and we have engaged a third-party expert to conduct a thorough review of our security protocols.

I want to sincerely apologize for this incident, and I regret any inconvenience it may have caused you. I want to assure you that we take this criminal act very seriously and have addressed it thoroughly. Should you have questions or concerns regarding this incident, please do not hesitate to contact 1-877-826-4051.

Sincerely,

Grey H Gibbs
Senior Vice President – Finance & Accounting

Steps To Protect The Security Of Your Personal Information

By taking the following steps, you can help reduce the risk that your personal information may be misused.

1. Enroll in IdentityWorks PlusSM. You must personally activate identity monitoring for it to be effective. The notice letter contains instructions and information on how to activate your IdentityWorks PlusSM membership. If you need assistance or if you want to enroll by telephone, you should contact Experian directly at 1-877-288-8057. Experian's IdentityWorks PlusSM product will provide the following:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.¹
- **Credit Monitoring:** Actively monitors your credit files at the three national credit bureaus – Experian, TransUnion, and Equifax – for indicators of fraud.
- **Identity Restoration:** Identity restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Dark Web Surveillance:** Daily scans of over 600,000 web pages to detect if your information is stolen.
- **Experian IdentityWorksSM ExtendCARE:** You will receive the same high level of identity restoration support even after your IdentityWorks PlusSM membership has expired.
- **\$1 Million Identity Theft Insurance²:** Provides coverage for certain costs and unauthorized electronic fund transfers.

Please direct questions about the IdentityWorks PlusSM product to Experian. A credit card is not required for enrollment in IdentityWorks PlusSM. Enrollment in IdentityWorks PlusSM will not affect your credit score. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration. You will also find self-help tips and information about identity protection at this site.

2. Review your credit reports. You can receive free credit reports by placing a fraud alert. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three national credit bureaus. To obtain a free annual credit report, go to www.annualcreditreport.com or call 1-877-322-8228. You may wish to stagger your requests so that you receive a free report from one of the three credit bureaus every four months.

3. Review your account statements. You should carefully review for suspicious activity the statements that you receive from credit card companies, banks, utilities, and other service providers.

4. Remain vigilant and respond to suspicious activity. If you receive an e-mail or mail alert from Experian, contact an IdentityWorks PlusSM identity resolution agent toll-free at 1-877-288-8057 or visit www.ExperianIDWorks.com/restoration for additional information. You should consider changing your username, passwords, security questions, and security answers to your online accounts. If you notice suspicious activity on an account statement, report it to your credit

¹ Offline members will be eligible to call for additional reports quarterly after enrolling.

² Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

card company or service provider and consider closing the account. You should also consider reporting such activity to AeroGrow, your local police department, your state's attorney general, and the Federal Trade Commission.

5. You have the right to place a "security freeze" on your credit report. A security freeze will prohibit a consumer reporting agency from releasing information in your credit file without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, mortgage, or any other account involving the extension of credit.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

To place a security freeze on your credit file, contact the three nationwide credit bureaus, listed below. You will need to provide appropriate proof of your identity to the credit bureau, which will include your name, address, date of birth, Social Security number, and other personal information. After receiving your freeze request, each credit bureau will provide you with a unique PIN (personal identification number) or password. Keep the PIN or password in a safe place. You will need it if you choose to lift the freeze.

The contact information for all three credit bureaus is as follows:

Equifax
P.O. Box 105788
Atlanta, GA 30348
1-800-349-9960
www.equifax.com

Experian
P.O. Box 9554
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion
P.O. Box 2000
Chester, PA 19016
1-800-680-7289
www.transunion.com

6. Consider placing a fraud alert with one of the three nationwide credit bureaus. You can place an initial fraud alert by contacting one of the three nationwide credit bureaus listed above. A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling just one of the three nationwide credit bureaus listed above. As soon as that bureau processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.

An initial fraud alert stays in your file for at least one year. To place this alert, a credit bureau will require you to provide appropriate proof of your identity, which may include your Social Security number. If you are the victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

7. You have the right to free copies of the information in your file (your "file disclosure"). An initial fraud alert entitles you to a copy of all the information in your file at each of the three nationwide credit bureaus listed above. These additional disclosures may help you detect signs



of fraud, for example, whether fraudulent accounts have been opened in your name or whether someone has reported a change in your address.

8. Additional Information. You may obtain information about fraud alerts and security freezes and additional information about steps you can take to avoid identity theft from the following:

Identity Theft Clearinghouse
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
<http://www.ftc.gov/idtheft/>
(877) IDTHEFT (438-4338)

If you live in Maryland, please read the additional notice below that applies to you:

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
1-888-743-0023
www.marylandattorneygeneral.gov

If you live in Massachusetts, please read the additional notice below that applies to you:

Massachusetts law gives you right to report this incident to the police in the county where you reside and to receive a police incident report within 24 hours of filing.

If you live in New Mexico, please read the additional notice below that applies to you:

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real

property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account.

Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.	b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Financial Protection (OCCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor

6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357

If you live in North Carolina, please read the additional notice below that applies to you:

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

North Carolina Office of the Attorney General
Consumer Protection Division
9001 Mail Service Center
Raleigh, NC 27699-9001
1-877-566-7226 (within North Carolina)
1-919-716-6000 (outside of North Carolina)
www.ncdoj.gov

If you live in Wyoming, please read the additional notice below that applies to you:

We have not delayed notifying you at the request of law enforcement.

STATE OF NH
DEPT OF JUSTICE
2019 APR 17 PM 1:02