



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

NH DEPT OF JUSTICE
MAY 31 '23 AM 8:15

426 W. Lancaster Avenue, Suite 200
Devon, PA 19333

May 25, 2023

VIA U.S. MAIL

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

Re: Notice of Data Event

To Whom It May Concern:

We represent Albany ENT & Allergy Services, PC. ("AENT") located at 123 Everett Road, Albany, New York 12205, and are writing to notify your office of an incident that may affect the security of certain personal information relating to seventy-six (76) New Hampshire residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, AENT does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

Nature of the Data Event

On or about March 27, 2023, AENT became aware of suspicious activity on its computer network. AENT immediately launched an investigation, with the assistance of third-party computer forensic specialists, to determine the nature and scope of the incident. Through its investigation, AENT determined that, between March 23, 2023 and April 4, 2023, an unauthorized actor may have had access to certain systems that stored personal and protected health information. AENT reviewed those systems and files to confirm what information was stored therein, and to whom the information related. On or about May 2, 2023, this extensive review identified certain employee, and patient information was present within the records. Although AENT has no evidence of any identity theft or fraud in connection with this incident, AENT is notifying those individuals whose information was present in AENT's systems at the time of the incident.

The information that could have been subject to unauthorized access includes

Notice to New Hampshire Residents

On or about May 25, 2023, AENT began providing written notice of this incident to seventy-six (76) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, AENT moved quickly to investigate and respond to the incident, assess the security of AENT's systems, and identify potentially affected individuals. Further, AENT notified law enforcement regarding the event. AENT is providing access to credit monitoring services for twelve (12) months, through Kroll, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, AENT is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. AENT is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

AENT is providing written notice of this incident to relevant state and federal regulators, as necessary, and to the three major credit reporting agencies, Equifax, Experian, and TransUnion. AENT is also notifying the U.S. Department of Health and Human Services and prominent media pursuant to the Health Insurance Portability and Accountability Act (HIPAA).

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at

Very truly yours,

Richard Aponte-Boyd of
MULLEN COUGHLIN LLC

RAB/kld
Enclosure

EXHIBIT A



<<Date>> (Format: Month Day, Year)

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country>>

<<b2b_text_1 (NOTICE OF (Header vtext))>>

Dear <<first_name>> <<middle_name>> <<last_name>> <<suffix>>,

Albany ENT & Allergy Services ("AENT") writes to notify you of an incident that may affect the privacy of some of your information. Although we have no evidence of any identity theft or fraud occurring as a result of this incident, this letter provides details of the incident, our response, and resources available to you to help protect your information from possible misuse, should you feel it is appropriate to do so.

What Happened? On or around March 27, 2023, AENT became aware of suspicious activity on our computer network. AENT immediately launched an investigation, with the assistance of third-party computer forensic specialists, to determine the nature and scope of the incident. Through our investigation, we determined that, between March 23, 2023 and April 4, 2023, an unauthorized actor had access to certain systems. AENT reviewed those systems and files to confirm what information was stored therein, and to whom the information related. Although we have no evidence of any identity theft or fraud in connection with this incident, AENT is notifying those individuals whose information was present in AENT's systems at the time of the incident.

What Information Was Involved? Our investigation determined the following types of your information may have been impacted by this incident: [REDACTED]

[REDACTED] At this time, we have no indication that your information was subject to actual or attempted misuse as a result of this incident.

What We Are Doing. The privacy and security of information in AENT's care are among our highest priorities. Upon discovery, AENT promptly commenced an investigation with the assistance of third-party computer forensic specialists to confirm the nature and scope of this incident. This investigation and response included confirming the security of our systems, reviewing the contents of relevant data for sensitive information, and notifying impacted individuals associated with that sensitive information. As part of our ongoing commitment to the privacy and security of personal information in our care, we are reviewing our existing policies and procedures, to provide additional training to employees, and implementing additional safeguards to further secure information in our systems. We will also notify applicable regulatory authorities, as required by law.

As an added precaution, we are also offering [REDACTED] of complimentary access to identity monitoring services through Kroll. Individuals who wish to receive these services must activate following the attached activation instructions.

What You Can Do. We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity. You may also review the information contained in the attached *Steps You Can Take to Help Protect Your Personal Information*. There you will also find more information on the complimentary identity monitoring services we are making available to you. While AENT will cover the cost of these services, you will need to activate the services we are offering, if you would like to do so.

For More Information. We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, please call our dedicated assistance line at _____ between the hours of 9:00 a.m. and 6:30 p.m. EST, Monday – Friday, excluding some major U.S. holidays. You may also write to AENT at 123 Everett Road, Albany, New York 12205.

Sincerely,

Albany ENT & Allergy Services, PC.

STEPS YOU CAN TAKE TO HELP PROTECT YOUR PERSONAL INFORMATION

Activate the Identity Monitoring Services

Visit <https://enroll.krollmonitoring.com> to activate and take advantage of your identity monitoring services.

You have until <<b2b_text_6 (activation date)>> to activate your identity monitoring services.

Membership Number: <<Membership Number s_n>>

For more information about Kroll and your Identity Monitoring services, you can visit info.krollmonitoring.com.



TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES

You have been provided with access to the following services from Kroll:

Single Bureau Credit Monitoring

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you'll have the option to call a Kroll fraud specialist, who will be able to help you determine if it is an indicator of identity theft.

Fraud Consultation

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to help protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

Identity Theft Restoration

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator will be able to dig deep to uncover the scope of the identity theft, and then work to resolve it.

Kroll's activation website is only compatible with the current version or one version earlier of Chrome, Firefox, Safari and Edge.

To receive credit services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit file.

Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order a free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. Consumers may also directly contact the three major credit reporting bureaus listed below to request a free copy of their credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a one-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 consumers are the victim of identity theft, they are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should consumers wish to place a fraud alert, please contact any of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in a consumer's name without consent. However, consumers should be aware that using a credit freeze to take control over who gets access to the personal and financial information in their credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application they make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, consumers cannot be charged to place or lift a credit freeze on their credit report. To request a credit freeze, individuals may need to provide some or all of the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;

4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver's license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if they are a victim of identity theft.

Should consumers wish to place a credit freeze or fraud alert, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-800-916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

Consumers may further educate themselves regarding identity theft, fraud alerts, credit freezes, and the steps they can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or their state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, D.C. 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and 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. Consumers can obtain further information on how to file such a complaint by way of the contact information listed above. Consumers have the right to file a police report if they ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, consumers will likely need to provide some proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and the relevant state Attorney General. This notice has not been delayed by law enforcement.

For District of Columbia residents, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, D.C. 20001; 1-202-727-3400; and oag.dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>.

For New Mexico residents, consumers have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in their credit file has been used against them, the right to know what is in their credit file, the right to ask for their credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting bureaus must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to consumers' files is limited; consumers must give consent for credit reports to be provided to employers; consumers may limit "prescreened" offers of credit and insurance based on information in their credit report; and consumers may seek damages from violators. Consumers may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active-duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. We encourage consumers to review their rights pursuant to the Fair Credit Reporting Act by visiting www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf, or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

For New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; www.riag.ri.gov; and 1-401-274-4400. Under Rhode Island law, individuals have the right to obtain any police report filed in regard to this event. There are approximately fifty-six (56) Rhode Island residents that may be impacted by this event.