

RECEIVED

February 28, 2019

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Attorney General Gordon J. MacDonald
Office of the New Hampshire Attorney General
Attn: Security Breach Notification
33 Capitol Street
Concord, NH 03301

CONSUMER PROTECTION

Dear Attorney General MacDonald:

We are outside counsel for Bamboo HR LLC (“BambooHR”) and are contacting you regarding a data security incident that BambooHR discovered on February 13, 2019. BambooHR provides human resources software solutions, with corporate headquarters located at 335 South 560 West, Lindon, UT 84042.

What Happened:

On February 13, 2019, BambooHR became aware of unauthorized access by an unidentified third party to its TraxPayroll system. BambooHR determined that the unauthorized party was trying to change direct deposit information of certain customers’ employees in the TraxPayroll system. BambooHR quickly isolated and fixed the changes that had been made, and shut-down the means by which the unauthorized access occurred. It appears that the third party may have had access to the TraxPayroll system as early as February 5, 2019, but the attempted changes to the payroll information occurred between February 11-13, 2019. BambooHR then conducted a comprehensive review of all unauthorized activity on the TraxPayroll system and determined that several reports were accessed that may have allowed the third party to view certain personal information of individual employees.

The information contained in the reports accessed by the unauthorized third party included the names, social security numbers, states of residence, states of employment, wage types, and applicable tax type codes of certain of BambooHR’s customers’ employees. BambooHR is unable to confirm whether the reports were retained by the unauthorized third party.

Six New Hampshire residents were affected by this incident.

What We Are Doing:

Upon discovering the unauthorized activity, BambooHR immediately corrected all modified direct deposit information and shut down the third party’s access to BambooHR’s TraxPayroll system. BambooHR notified the FBI of this incident. BambooHR is implementing further security procedures to ensure that this type of incident does not reoccur.

In accordance with New Hampshire's data breach notification statute, BambooHR will send written notification via U.S. Mail to the affected New Hampshire residents on or about March 4, 2019, in substantially the same form as the letter attached hereto. Notice is being provided as expeditiously as practicable and without unreasonable delay, and our cooperation with law enforcement has not required a delay in providing notice to the affected individuals. BambooHR has also contracted with Experian to provide 12 months of free credit monitoring services to all affected individuals who choose to subscribe.

BambooHR continues to take steps necessary to minimize any disruption that this compromise may have caused and to prevent such incidents in the future. If you have any questions regarding this incident or if you desire further information or assistance, please call me at 303-473-2700 or email me at tbgray@hollandhart.com.

Sincerely,



Tracy B. Gray
Partner
of Holland & Hart LLP

Enclosure: Sample Breach Notification Letter

cc: BambooHR



335 South 560 West
Lindon, UT 84042

March [redacted], 2019

NOTICE OF DATA BREACH
Confidential – for Intended Recipient Only

Dear [redacted]:

We are contacting you regarding a data security incident that we discovered on February 13, 2019 at Bamboo HR LLC (“BambooHR”) involving BambooHR’s TraxPayroll system. You are receiving this notice because your employer uses the TraxPayroll system and your personal information was accessed. The privacy and protection of the personal information of our customers and their employees is a matter we take very seriously, and we recommend that you closely review the information provided in this notice for suggestions on how to protect yourself against potential misuse of your information.

1. What Happened?

On February 13, 2019, BambooHR became aware of unauthorized access by an unidentified third-party to the TraxPayroll system. We determined that the unauthorized party was trying to change employee direct deposit information, which we quickly isolated and fixed. We also shut-down the means by which the unauthorized access occurred. It appears that the third party may have had access to the TraxPayroll system as early as February 5, 2019, but the attempted inappropriate actions took place between February 11-13, 2019. BambooHR then conducted a comprehensive review of all unauthorized activity and determined that a report was accessed that may have allowed the third party to view personal information of certain employees. It appears that the unauthorized party’s purpose in accessing the TraxPayroll system was to divert payroll deposits into its own accounts, not to collect personal information. While BambooHR is unable to determine whether your personal information was retained, it was contained in the report that was accessed. Out of an abundance of caution, BambooHR is notifying all individuals that may have been affected by this this unfortunate event.

2. What Information Was Involved?

The information contained in the report accessed by the unauthorized third party included the names, social security numbers, states of residence, states of employment, wage types, and applicable tax type codes of certain employees.

3. What We Are Doing

We have terminated the unauthorized access, we are deploying additional security measures, and we continue to monitor the situation.

To help you protect your personal information, **BambooHR is offering you a 12-month subscription for complimentary credit monitoring and identity restoration services from Experian®. You may sign up for this service by following the instructions below.**

BambooHR is also working with law enforcement to address the unauthorized access to the TraxPayroll system. BambooHR's cooperation with law enforcement has not required a delay in notifying any affected individuals.

BambooHR will continue to take steps necessary to minimize any disruption that this compromise may have caused and to prevent such incidents in the future.

4. What You Can Do

You should remain vigilant for incidents of fraud and identity theft by regularly reviewing your account statements and monitoring credit reports for any unauthorized activity. For information on how to obtain free credit reports, see Obtain Your Credit Report, below. If you discover any suspicious or unusual activity on your accounts, be sure to report it immediately to your financial institutions, as major credit card companies have rules that prevent them from requiring you to pay for fraudulent charges that are timely reported.

In addition, we encourage you to contact the Federal Trade Commission (FTC) or law enforcement, such as your state attorney general, to report incidents of identity theft or to learn more about steps you can take to protect yourself from identity theft. You can contact the FTC at:

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(877) IDTHEFT (438-4338)
<https://www.identitytheft.gov/>

If you find that your information has been misused, the FTC encourages you to file a complaint with the FTC and to take these additional steps: (1) close the accounts that you have confirmed or believe have been tampered with or opened fraudulently; and (2) file and keep a copy of a local police report as evidence of the identity theft crime.

Obtain Your Credit Report

You should also monitor your credit reports. You may periodically obtain credit reports from each nationwide credit reporting agency. If you discover inaccurate information or a fraudulent transaction on your credit report, you have the right to request that the credit reporting agency delete that information from your credit report file.

Under federal law, you are entitled to one free copy of your credit report every 12 months from each of the three nationwide credit reporting agencies. You may obtain a free copy of your credit report by going to www.AnnualCreditReport.com or by calling (877) 322-8228. You also may complete the Annual Credit Report Request Form available from the FTC at

<https://www.consumer.ftc.gov/articles/pdf-0093-annual-report-request-form.pdf>, and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. Additionally, you may contact the major consumer reporting agencies at the following addresses:

Equifax
P.O. Box 105788
Atlanta, GA 30348
www.equifax.com
(800) 525-6285

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

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

5. For More Information

If you have any questions regarding this incident or if you desire further information or assistance, please email BambooHR's Corporate Counsel at legal@bamboohr.com or call (801) 714-6600 x 6921 Monday through Friday, 9:00 a.m. to 5:00 p.m. Mountain Time, except holidays. In addition, please see below for certain state-specific information.

We truly apologize for this incident and regret any inconvenience it may cause you.

Sincerely,

Kent Goates
Chief Financial Officer
Bamboo HR, LLC

Attachment A: Experian® IdentityWorksSM Information

If you believe that identity restoration support is needed, then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that this offer is available to you for one year from the date of this letter and does not require any action on your part at this time. 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.

While Identity Restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorksSM as a complimentary one-year membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information please follow the steps below:

- Ensure that you **enroll by: May 31, 2019** (Your code will not work after this date.)
- **Visit the Experian IdentityWorks website to enroll:** www.ExperianIdWorks.com/credit
- Provide your **activation code:** [Activation Code]

If you have questions about the product, need assistance with identity restoration that arose as a result of this incident or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 877-890-9332 by May 31, 2019. Be prepared to provide engagement number DB11094 as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR ONE-YEAR EXPERIAN IDENTITYWORKS MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks.

You can contact Experian **immediately** regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration agents are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

What you can do to protect your information: There are additional actions you can consider taking to reduce the chances of identity theft or fraud on your account(s). Please refer to www.ExperianIDWorks.com/restoration for this information.

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

** 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.