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SpencerFane

CONSUMER PROTECTION

JON FARNSWORTH
DIRECT DIAL: 612-268-7018
jfansworth@spencerfane.com

File No. 5504823.0001

February 4, 2022

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

via Certified Mail Return Receipt Requested

Re: Notification of Data Security Incident

Dear Office of the Attorney General:

My law firm has been retained to represent Bay & Bay Transportation (“Bay & Bay”) in connection with the recent data security incident described below. Bay & Bay is a trucking and logistics company with headquarters located at 2905 W Service Road, Suite 2000, Eagan, MN 55121.

In late November 2021, Bay & Bay learned of suspicious activity within its computer system. Bay & Bay immediately began an investigation with the assistance of third-party forensic experts to better understand the incident. On January 5, 2022, the investigation revealed that an unauthorized person impermissibly accessed Bay & Bay’s computer system and acquired certain information saved on its computer network at some time between November 18, 2021, and November 30, 2021. Upon learning of this compromise Bay & Bay immediately notified its workforce and undertook a thorough investigation to understand the full scope of the incident and determine who may have been impacted. On January 29, 2021, Bay & Bay determined that the personal information of twenty five (25) residents of your state may have been compromised as a result of this incident.

Bay & Bay believes that data such as: names, addresses, Social Security numbers, dates of birth, and driver’s license numbers, and in some instances, direct deposit information, may have been compromised.

Bay & Bay will mail notices to all affected individuals on February 9, 2022, and provide IDX identity theft protection services. IDX identity protection services include: 12 months of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed id theft recovery services.

Bay & Bay is also working to further improve its data security and mitigate risk to help protect from future unauthorized access. A sample copy of the notice each affected individual will receive is enclosed.

Respectfully,

Spencer Fane, LLP

By: 

Jon Farnsworth, Partner



P.O. Box 989728
West Sacramento, CA 95798-9728

To Enroll, Please Call:
1-833-676-2169
Or Visit:
<https://app.idx.us/account-creation/protect>
Enrollment Code: <<ENROLLMENT>>

<<FIRST NAME>> <<LAST NAME>>
<<ADDRESS1>>
<<ADDRESS2>>
<<CITY>>, <<STATE>> <<ZIP>>

February 9, 2022

Notice of Data Breach

Dear <<FIRST NAME>> <<LAST NAME>>,

What Happened

Bay & Bay would like to inform you of an incident which may have resulted in the inadvertent disclosure of your personal information. We take the security and privacy of personal information very seriously and deeply apologize for any inconvenience this may cause you.

On January 5, 2022, we discovered that an unauthorized person impermissibly accessed our computer system and acquired certain personal information saved on our computer network. We believe that the data was accessed at some time between November 18, 2021, and November 30, 2021.

What Information Was Involved

We have reason to believe that data such as: names, addresses, Social Security numbers, dates of birth, and driver's license numbers, and in some instances, direct deposit information, may have been compromised.

What We Are Doing

We have notified law enforcement and engaged a third-party IT forensics firm to investigate this incident. We are also working to further improve data security and mitigate risk to help protect from future unauthorized access.

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

What You Can Do

Receiving this letter does not automatically mean that you are a victim of identity theft. However, we encourage you to remain vigilant by reviewing account statements and monitoring credit reports for suspicious activity. We also encourage you to contact IDX with any questions and to enroll in the free identity protection services by calling 1-833-676-2169 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 9 am - 9 pm Eastern Time. Please note the deadline to enroll is May 9, 2022.

We encourage you to take full advantage of this service 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

You will find detailed instructions for enrollment on the enclosed Recommended Steps document. Also, 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 call 1-833-676-2169 or go to <https://app.idx.us/account-creation/protect> for assistance or for any additional questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Sam Anderson". The signature is written in a cursive, flowing style.

Sam Anderson, CEO
Bay & Bay

(Enclosure)

Recommended Steps to Help Protect Your Information

- 1. Website and Enrollment.** Go to <https://app.idx.us/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter.
- 2. Activate the credit monitoring** provided as part of your IDX identity protection membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, IDX will be able to assist you.
- 3. Telephone.** Contact IDX at 1-833-676-2169 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.
- 4. Review your credit reports.** We recommend that you remain vigilant by reviewing account statements and monitoring credit reports. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three major credit reporting companies. 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 by one of the three credit bureaus every four months.

If you discover any suspicious items and have enrolled in IDX identity protection, notify them immediately by calling or by logging into the IDX website and filing a request for help.

If you file a request for help or report suspicious activity, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop and reverse the damage quickly.

You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that in order 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 or to the Attorney General.

5. Place Fraud Alerts with the three credit bureaus. If you choose to place a fraud alert, we recommend you do this after activating your credit monitoring. You can place a fraud alert at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. The contact information for all three bureaus is as follows:

Credit Bureaus

Equifax Fraud Reporting
1-866-349-5191
P.O. Box 105069
Atlanta, GA 30348-5069
www.equifax.com

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

TransUnion Fraud Reporting
1-800-680-7289
P.O. Box 2000
Chester, PA 19022-2000
www.transunion.com

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.

Please Note: No one is allowed to place a fraud alert on your credit report except you.

6. Security Freeze. By placing a security freeze, someone who fraudulently acquires your personal identifying information will not be able to use that information to open new accounts or borrow money in your name. You will need to contact the three national credit reporting bureaus listed above to place the freeze. Keep in mind that when you place

the freeze, you will not be able to borrow money, obtain instant credit, or get a new credit card until you temporarily lift or permanently remove the freeze. There is no cost to freeze or unfreeze your credit files.

7. You can obtain additional information about the steps you can take to avoid identity theft from the following agencies. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them.

California Residents: Visit the California Office of Privacy Protection (www.oag.ca.gov/privacy) for additional information on protection against identity theft.

Kentucky Residents: Office of the Attorney General of Kentucky, 700 Capitol Avenue, Suite 118 Frankfort, Kentucky 40601, www.ag.ky.gov, Telephone: 1-502-696-5300.

Maryland Residents: Office of the Attorney General of Maryland, Consumer Protection Division 200 St. Paul Place Baltimore, MD 21202, www.oag.state.md.us/Consumer, Telephone: 1-888-743-0023.

New Mexico Residents: You have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit "prescreened" offers of credit and insurance you get based on information in your credit report; and you may seek damages from a violator. You 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. You can review your 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.

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

North Carolina Residents: Office of the Attorney General of North Carolina, 9001 Mail Service Center Raleigh, NC 27699-9001, www.ncdoj.gov, Telephone: 1-919-716-6400.

Oregon Residents: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, www.doj.state.or.us/, Telephone: 877-877-9392

Rhode Island Residents: Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, www.riag.ri.gov, Telephone: 401-274-4400

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.