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ATTORNEYS AT LAW

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JUN 15 2020

CONSUMER PROTECTION

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1275 Drummers Lane, Suite 302
Wayne, PA 19087

June 11, 2020

INTENDED FOR ADDRESSEE(S) ONLY

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

Dear Sir or Madam:

We represent BB&K Holdings, Inc. d/b/a Bailard, Inc. ("Bailard") located at 950 Tower Lane, Suite 1900, Foster City, CA 94404, and are writing to notify your Office of an incident that may affect the security of some personal information relating to approximately one (1) New Hampshire resident. The investigation into this incident is ongoing and this notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Bailard 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 5, 2020, Bailard became aware of unusual activity involving a single employee email account and immediately began an investigation. With the assistance of third-party computer specialists, on April 3, 2020, the investigation determined that the employee email account had been accessed at varying times between February 25, 2020 and March 5, 2020 without authorization.

While the investigation did not determine that specific information within the email account was viewed by an unauthorized actor, Bailard engaged in a comprehensive review of the email account to identify potentially affected personal information. This review ongoing, however, on or around April 22, 2020, Bailard identified some personal information in the email account. Bailard worked quickly to identify address information for the individuals associated with that information and on May 22, 2020, began providing notice.

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On May 12, 2020, Bailard's review identified personal information as defined by N.H. Rev. Stat. Ann. § 359-C:19 including the name and Social security number of approximately one (1) New Hampshire resident. To date, Bailard is unaware of any actual or attempted misuse of this information as a result of this incident.

Notice to New Hampshire Resident

On June 11, 2020, Bailard will mail written notice of this incident to approximately one (1) New Hampshire resident. Written notice is being provided in substantially the same form as the letter attached hereto as *Exhibit A*.

Other Steps Taken and To Be Taken

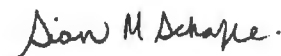
Upon discovering the event, Bailard promptly changed the email account credentials, and investigated to confirm the security of its email network. Bailard is also taking steps to enhance its data security; these include reviewing existing policies and procedures, conducting additional employee training, and implementing additional security measures.

While Bailard continues to review the email account for sensitive information, it is providing notice to potentially affected individuals. The notice letter includes information on access to complimentary credit monitoring services for twelve (12) months, through Kroll Associates, Inc. ("Kroll"). Additionally, Bailard 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. Bailard 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.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4799.

Very truly yours,



Sian M. Schafle of
MULLEN COUGHLIN LLC

SMS/eeb
Enclosure

EXHIBIT A

Bailard

BAILARD, INC.
950 TOWER LANE, STE 1900
FOSTER CITY, CA 94404-2131
t: 650 571 5800
f: 650 573 7128
www.bailard.com

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

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

Re: Notice of Data Breach

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

Bailard, Inc. ("Bailard") is writing to notify you of a recent event that may affect the security of some of your personal information. While, to date, we have no evidence that your information has been misused, we are providing you with information about the event, our response to it, and resources available to you to help protect your information, should you feel it appropriate to do so.

What Happened? Bailard became aware of unusual activity involving a single employee email account and immediately began an investigation. With the assistance of third-party computer specialists, on April 3, 2020, the investigation determined that the employee email account had been accessed at varying times between February 25, 2020 and March 5, 2020 without authorization.

Bailard immediately began a thorough review of the contents of the email account to determine whether sensitive information was present at the time of the incident. We determined that some sensitive information was present in the involved account.

What Information Was Involved? The investigation determined that at the time of the incident, the following types of your personal information were present in the involved email account: name and Social Security number. Please note that while our investigation did not reveal evidence that your information was actually viewed by the unauthorized actor, we are providing you this notice to ensure you are aware of this incident.

What is Bailard Doing? Information, privacy, and security are among our highest priorities. Bailard has strict security measures in place to protect information in our care. Upon learning of this incident, we promptly changed the email account credentials and investigated to confirm the security of our email network. We are also taking steps to enhance our data security; these include reviewing existing policies and procedures, conducting additional employee training, and implementing additional security measures.

Although we are unaware of any actual or attempted misuse of your information as a result of this incident, we are offering you access to identity monitoring services through Kroll for twelve (12) months at no cost to you as an added precaution.

What You Can Do. 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 for the next twelve (12) to twenty-four (24) months. You may review the information contained in the attached "Steps You Can Take to Help Protect Personal Information." You may also activate the identity monitoring services we are making available to you through Kroll. Bailard will cover the cost of this service; however, you will need to activate these services yourself.

For More Information. We recognize that you may have questions not addressed in this letter. If you have additional questions, please call our dedicated assistance line, provided by Kroll, at 1-844-923-2639 (toll free), Monday – Friday, 6:00 a.m. to 3:30 p.m., Pacific Time. You may also contact us by mail at 950 Tower Lane, Suite 1900, Foster City, CA 94404-2131 or by telephone at (650) 571-5800.

Sincerely,

A handwritten signature in black ink, appearing to read "Burnie E. Sparks, Jr.", with a stylized, overlapping flourish.

Burnie E. Sparks, Jr.
President, Bailard, Inc.

STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

Activate Identity Monitoring Services

We have secured the services of Kroll to provide identity monitoring at no cost to you for one year. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services¹ include Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

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 will 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 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.

How to Activate Your Identity Monitoring Services

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

You have until **September 8, 2020** to activate your identity monitoring services.

Membership Number: <<Member ID>>

Monitor Your Accounts

In addition to enrolling in the complimentary services detailed above, 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 and to detect errors. 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 directly the three major credit bureaus listed below to request a free copy of your credit report.

You have the 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. Pursuant to federal law, you cannot be charged to place or lift a security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

Experian

P.O. Box 9554
Allen TX 75013
1-888-397-3742

www.experian.com/freeze/center.html

TransUnion

P.O. Box 160
Woodlyn, PA 19094
1-800-909-8872

www.transunion.com/credit-freeze

Equifax

P.O. Box 105788
Atlanta, GA 30348-5788
1-800-685-1111

www.equifax.com/personal/credit-report-services

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;

¹Kroll'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.

3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior 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, military identification, etc.);
7. 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.

As an alternative to a security freeze, you have the right to place an initial or extended "fraud alert" on your 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 seven years. Should you wish to place a fraud alert, please contact any one of the agencies listed below:

Experian

P.O. Box 9554
 Allen, TX 75013
 1-888-397-3742
www.experian.com/fraud/center.html

TransUnion

P.O. Box 2000
 Chester, PA 19016
 1-800-680-7289
www.transunion.com/fraud-victim-resource/place-fraud-alert

Equifax

P.O. Box 105069
 Atlanta, GA 30348
 1-888-766-0008
www.equifax.com/personal/credit-report-services

Additional Information

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting the consumer reporting agencies, the Federal Trade Commission, or your state Attorney General.

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. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement. This notice has not been delayed by law enforcement.

For Maryland residents, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-888-743-0023, and www.oag.state.md.us.

For 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 violators. 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. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting www.consumerfinance.gov/ff/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 North Carolina residents, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226 or 1-919-716-6400, and www.ncdoj.gov.

For 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, and <https://ag.ny.gov/>.