



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

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

October 26, 2023

**VIA E-MAIL**

Office of the New Hampshire Attorney General  
Consumer Protection & Antitrust Bureau  
33 Capitol Street  
Concord, NH 03301  
E-mail: [DOJ-CPB@doj.nh.gov](mailto:DOJ-CPB@doj.nh.gov)

**Re: Notice of Data Event**

To Whom It May Concern:

We represent Ben E. Keith Company (“BEK”) located at 601 East 7th Street, Fort Worth, TX 76102, and are writing to notify your office of an incident that may affect the security of certain personal information relating to one (1) New Hampshire resident. 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, BEK 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 14, 2023, BEK became aware of unusual activity on its computer network. BEK immediately launched an investigation to determine the nature and scope of the event. Through its investigation BEK, determined that between March 3, 2023 and March 5, 2023, an unauthorized actor accessed a limited portion of BEK’s network that contained certain files and folders that stored personal information. BEK then performed a thorough and time-intensive review of the impacted files and folders to determine the information therein, and to whom it related for purposes of notification. Following the review, BEK then performed a review of its internal files to identify address information in order to provide individuals with notice of the event. This review remains ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission.

While the information varies by individual, the impacted information includes

### **Notice to New Hampshire Resident**

On or about October 26, 2023, BEK provided written notice of this incident to one (1) New Hampshire resident. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*. BEK's review of the impacted data is ongoing, and BEK may supplement this notification if it determines that a significant amount of additional New Hampshire residents will receive notice.

### **Other Steps Taken and To Be Taken**

Upon discovering the event, BEK moved quickly to investigate and respond to the incident, assess the security of BEK systems, and identify potentially affected individuals. Further, BEK notified federal law enforcement regarding the event. BEK is also working to implement additional safeguards and training to its employees. BEK is also providing access to credit monitoring services for , through LifeLock, to individuals whose personal information was affected by this incident, at no cost to these individuals.

Additionally, BEK is providing impacted individuals with guidance on how to better protect against identity theft and fraud. This includes 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.

BEK is providing written notice of this incident to relevant state regulators, as necessary.

### **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,

Jeffrey J. Boogay of  
MULLEN COUGHLIN LLC

JJB/klh

# **EXHIBIT A**



Secure Processing Center  
P.O. Box 3826  
Suwanee, GA 30024

<<First Name>> <<Middle Name >> <<Last Name>>  
<<Address 1>>  
<<Address 2>>  
<<City>>, <<State>> <<Zip>>  
<<Country>>

<<Date>>

### <<NOTICE OF DATA BREACH>>

Dear <<First Name>> <<Middle Name >> <<Last Name>>:

Ben E. Keith Company (“Ben E. Keith”) is writing to inform you of an event that may affect the privacy of some of your information. This letter provides details of the event, our response, and resources available to you to help protect your information from possible misuse, should you feel it is appropriate to do so. We are also offering you 24 months of complimentary credit monitoring and identity theft protection through LifeLock; enrollment instructions are on the following pages.

**What Happened?** On or around March 14, 2023, Ben E. Keith became aware of unusual activity on its computer network. Ben E. Keith quickly began an investigation into the incident. Through the investigation, Ben E. Keith determined that an unauthorized actor did access a limited portion of Ben E. Keith’s network and between March 3, 2023 and March 5, 2023 certain files and folders were impacted. We quickly began a thorough and time-intensive review of these at-risk files and folders to determine their content, and whom they related for purposes of notification. Following the review, Ben E. Keith then performed an additional review to identify address information for impacted individuals in order to provide notice of the event.

**What Information Was Involved?** Our investigation determined that the following types of information related to you may have been contained within the relevant files and folders: <<Breached Elements>>. Please note, we have no evidence of actual or attempted misuse of your information.

**What We Are Doing.** We take this event and the obligation to safeguard the information in our care very seriously. Upon discovery, we promptly commenced an investigation to confirm the nature and scope of this event. This investigation and response included confirming the security of our systems, reinforcing our existing security posture, reviewing the contents of relevant data for sensitive information, and notifying potentially affected individuals associated with that sensitive information. As part of our ongoing commitment to the security of personal information in our care, we are reviewing our policies procedures and processes related to data protection and security. We have reported this event to federal law enforcement, and also applicable regulatory authorities, as required by law.

As mentioned above, as an added precaution, we are offering you access to credit monitoring and identity theft protection services for through LifeLock at no cost to you. If you wish to activate these complimentary services, you may follow the instructions included in the attached *Steps You Can Take to Help Protect Personal Information*. We encourage you to enroll in these services as we are unable to act on your behalf.

**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 and to detect errors. You may also review the information contained in the enclosed *Steps You Can Take to Help Protect Personal Information*. There you will find more information on the complimentary credit monitoring services that we are offering to you.

**For More Information.** We understand that you may have questions that are not addressed in this letter. If you have additional questions or concerns, please contact our dedicated assistance line at 888-562-4169, Monday through Friday from 8:00 a.m. to 8:00 p.m. Central Time (excluding major U.S. holidays). Entendemos que puede tener preguntas que no se abordan en esta carta. Si tiene preguntas o inquietudes adicionales, comuníquese con nuestra línea de asistencia exclusiva al 888-562-4169. Nuestros especialistas en llamadas dedicados hablan español. You may also write to Ben E. Keith Company at Attn: Cindy Park. 601 East 7<sup>th</sup> Street, Fort Worth, TX 76102.

Sincerely,

Ben E. Keith Company

## STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

### Enroll in Monitoring Services

To activate your LifeLock membership online and get protection at no cost to you:

1. In your web browser, go directly to <https://us.norton.com/offers?expid=LL-DEF-CHOICE&promocode=BEK2310>
2. Below the THREE protection plan boxes, you may enter the **Promo Code: <<Engagement Number>>** and click the **“APPLY”** button.
3. Your complimentary offer is presented. Click the Orange **“START MEMBERSHIP”** button.
4. A Popup will appear to enter your Member ID **<<Activation Code>>** and click **“APPLY”**
5. Once enrollment is completed, you will receive a confirmation email (*be sure to follow ALL directions in this email*).

Alternatively, to activate your membership over the phone, please call: **1-800-899-0180**

You will have until <<Enrollment Deadline>> to enroll in this service.

Once you have completed the LifeLock enrollment process, the service will be in effect. Your **LifeLock Defender™ Choice** membership includes:

- ✓ Primary Identity Alert System<sup>†</sup>
- ✓ 24/7 Live Member Support
- ✓ Dark Web Monitoring<sup>\*\*</sup>
- ✓ Norton™ Security Deluxe<sup>2</sup> (90 Day Free Subscription)
- ✓ Stolen Funds Reimbursement up to \$25,000<sup>†††</sup>
- ✓ Personal Expense Compensation up to \$25,000<sup>†††</sup>
- ✓ Coverage for Lawyers and Experts up to \$1 million<sup>†††</sup>
- ✓ U.S.-Based Identity Restoration Team
- ✓ One-Bureau Credit Monitoring<sup>1\*\*</sup>
- ✓ Annual One-Bureau Credit Report & Credit Score<sup>1\*\*</sup>

The credit score provided is a VantageScore 3.0 credit score based on Equifax data. Third parties use many different types of credit scores and are likely to use a different type of credit score to assess your creditworthiness.

<sup>1</sup> If your plan includes credit reports, scores, and/or credit monitoring features (“Credit Features”), two requirements must be met to receive said features: (i) your identity must be successfully verified with Equifax; and (ii) Equifax must be able to locate your credit file and it must contain sufficient credit history information. IF EITHER OF THE FOREGOING REQUIREMENTS ARE NOT MET YOU WILL NOT RECEIVE CREDIT FEATURES FROM ANY BUREAU. If your plan also includes Credit Features from Experian and/or TransUnion, the above verification process must also be successfully completed with Experian and/or TransUnion, as applicable. If verification is successfully completed with Equifax, but not with Experian and/or TransUnion, as applicable, you will not receive Credit Features from such bureau(s) until the verification process is successfully completed and until then you will only receive Credit Features from Equifax. Any credit monitoring from Experian and TransUnion will take several days to begin after your successful plan enrollment.

No one can prevent all identity theft or cybercrime. <sup>†</sup> LifeLock does not monitor all transactions at all businesses.

<sup>2</sup>Norton Security Online provides protection against viruses, spyware, malware, and other online threats for up to 5 PCs, Macs, Android devices. Norton account features not supported in this edition of Norton Security Online. As a result, some mobile features for Android are not available such as anti-theft and mobile contacts backup. iOS is not supported.

<sup>\*\*</sup> These features are not enabled upon enrollment. Member must take action to get their protection.

<sup>†††</sup> Reimbursement and Expense Compensation, each with limits of up to \$25,000 for Defender Choice. And up to \$1 million for coverage for lawyers and experts if needed, for all plans. Benefits provided by Master Policy issued by United Specialty Insurance Company (State National Insurance Company, Inc. for NY State members). Policy terms, conditions and exclusions at: [LifeLock.com/legal](http://LifeLock.com/legal).

## **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](http://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 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 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:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
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

## **Internal Revenue Service Identity Protection PIN (IP PIN)**

You may also obtain an Identity Protection PIN (IP PIN) from the Internal Revenue Service, a six-digit number that prevents someone else from filing a tax return using your Social Security number or Individual Taxpayer Identification Number. The IP PIN is known only to you and the IRS, and helps the IRS verify your identity when you file your electronic or paper tax return. Even though you may not have a filing requirement, an IP PIN still protects your account. If you do not already have an IP PIN, you may get an IP PIN as a proactive step to protect yourself from tax-related identity theft either online, by paper application or in-person. Information about the IP PIN program can be found here: <https://www.irs.gov/identity-theft-fraud-scams/get-an-identity-protection-pin>.

## **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps individuals can take to protect personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://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. You can obtain further information on how to file such a complaint by way of the contact information listed above. You and/or your minor have the right to file a police report if your minor ever experiences identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you or your minor will likely need to provide some proof that your minor has been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and your 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; 202-727-3400; and [oag.dc.gov](http://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](http://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](http://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](http://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 2 Rhode Island residents that may be impacted by this event.