David F. Bayne

Akerman LLP
666 Fifth Avenue
20th Floor
New York, NY 10103
Tel: 212.880.3800
Fax: 212.880.8965

Dir: 212.822.2215
Dir Fax: 212.905.6475
david.bayne@akerman.com

February 6, 2017

Joseph Foster, Esq.
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

To Whom it May Concern:

Pursuant to New Hampshire Revised Statues § 359-C:20(I)(b) we are writing to notify you of a cybersecurity breach involving 15 residents of the state of New Hampshire.

On December 31, 2016, it came to the attention of Berkeley College that certain data obtained from the College that identified students, faculty, and staff of the College had been posted on a publicly available website. Berkeley College has since been in contact with federal law enforcement regarding the cyber security incident resulting in this disclosure. The data has been removed from the publicly available website. While there has been no evidence of theft or disclosure of information of a particularly sensitive nature, the information made publicly available included names, student/associate ID numbers, Berkeley College log-in usernames, Berkeley College e-mail addresses, and default temporary passwords for the same e-mail addresses. No social security numbers or any financial account numbers of any kind were included in the information made publically available.

In an abundance of caution and to ensure that no default passwords were still being used by any affected e-mail accounts, all students, faculty, and staff affected by the disclosure have been required to change their passwords. The College additionally has been conducting an investigation into the circumstances surrounding the incident, and this investigation is ongoing. To the extent that any additional facts indicating that other personal information has been acquired by unauthorized persons becomes known to the College, we shall provide additional notice of such facts and circumstances at that time. At this time, we do not believe that any information taken during the incident can be used to commit identity theft or otherwise cause any financial impact to those affected. In light of these facts, the College has not elected to provide any credit monitoring services to those affected at this time.

You may contact Elizabeth A. Wysocki, Esq., the Director of Compliance & Counsel at Berkeley College's Office of the General Counsel at 44 Rifle Camp Road, Woodland Park, NJ 07424 or by phone (973) 278-5400 Ext. 1371 or by e-mail at eaw@berkeleycollege.edu.

Please see the notice provided to all individuals affected by the incident attached as **Exhibit A** to this letter.

Sincerely,

David F. Bayne

Enclosures

Exhibit A – Notice to Individuals

Re: Notice of Breach Incident

Dear Students, Faculty, and Staff:

We value and respect the privacy of your information, which is why, as a precautionary measure, we are writing to inform you of an unauthorized third party breach. In an abundance of caution, all students, faculty, and staff affected by the breach have had their passwords reset and have been required to change their passwords. No action is required on your part.

On December 31, 2016, it came to the College's attention that certain student, faculty, and associate data were posted on a public website. While there has been no evidence of theft or disclosure of information of a particularly sensitive nature, the information posted included names, student/associate Berkeley College ID numbers, Berkeley College log-in usernames, Berkeley College e-mail addresses, and default temporary passwords for the same accounts. As of the date of this notice and to best of our knowledge, the data were removed from the public website. **No social security numbers or any financial account numbers of any kind were included in the information made publically available.**

An investigation into the circumstances surrounding the incident is ongoing. To the extent that any additional facts indicating that other personal information has been acquired by unauthorized persons becomes known to the College, we shall provide additional notice of such facts and circumstances at that time. Further, Berkeley College has been in contact with the Federal Bureau of Investigation regarding this cyber security incident. You will have the right to obtain any police reports filed in connection to this incident. If, at any time, you are the victim of identity theft, you additionally have the right to file a police report and obtain a copy.

At this time, we do not believe that any information taken during the incident can be used to commit identity theft or otherwise cause any financial impact to you. Nevertheless, to the extent that you believe you may be a victim of identity theft, we are providing you with the attached notice labeled "How to Protect my Information" which you may use to obtain further information about the incident, obtain a freeze on your credit reports, and to contact the Federal Trade Commission.

If you have any further questions about this incident or would like to report suspicious activity, please contact me at the number below.

Sincerely,

Elizabeth A. Wysocki, Esq.
Director of Compliance & Counsel
Berkeley College
Office of the General Counsel
44 Rifle Camp Road
Woodland Park, NJ 07424
(973)-278-5400 Ext. 1371

How to Protect My Information

State law allows consumers to place a security freeze on their credit reports. A security freeze prohibits a credit reporting agency from releasing any information from a consumer's credit report without written authorization. Please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any request you make for new loans, credit, credit or debit cards, mortgages, employment, housing or other services.

If at any time you become a victim of identity theft and you provide the credit reporting agency with a valid police report, it cannot charge you to place, lift or remove a security freeze. In all other cases, a credit reporting agency may charge you up to $5.00 each to place, temporarily lift, or permanently remove a security freeze.

Credit Report Security Freeze Instructions

To place a security freeze on your credit report, you must send a written request to **each** of the three major consumer reporting agencies: Equifax (www.equifax.com); Experian (www.experian.com); and Trans Union (www.transunion.com) by regular, certified, or overnight mail at the addresses below:

Equifax Security Freeze, P.O. Box 105788, Atlanta, GA 30348
Experian Security Freeze, P.O. Box 9554, Allen, TX 75013
Trans Union Security Freeze, Fraud Victim Assistance Department, P.O. Box 6790, Fullerton, CA 92834

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;
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 victim of identity theft, a copy of either a police report, investigative report, or complaint to a law enforcement agency concerning identity theft;
8. If you are not a victim of identity theft, a payment of $5.00 by check, money order, or credit card (Visa, MasterCard, American Express or Discover only) for the freeze. Do not send cash through the mail.

The credit reporting agencies have three (3) business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze.

To lift the security freeze in order to allow a specific entity or individual to access your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze as well as the identities of those

entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to lift the security freeze for those identified entities or for the specified period of time.
To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze. The credit bureaus have three (3) business days after receiving your request to remove the security freeze.

Identity Theft – FTC Contact Information

If you are a victim of identity theft, you may also file a complaint with the Federal Trade Commission at: www.ftc.gov/idtheft or at 1-877-ID-THEFT (877-438-4338).

Here are a few warning signs to help you determine that whether your personal information may have been used by someone else:

- Receiving a bill for services you did not purchase or receive never used
- Being contacted by a debt collector about debt you do not owe
- Seeing collection notices on your credit report that you do not recognize

If you believe someone else may have used your information, you may wish to consider taking additional steps which are outlined on the Federal Trade Commission's website at www.ftc.gov.