



October 31, 2011

Office of the Attorney General
NH Department of Justice
33 Capitol Street
Concord, NH 03301

Re: Notification of Security Breach

To whom it may concern in the Office of Attorney General Michael Delaney:

This letter is being sent to you in accordance with the requirements of New Hampshire Statutes Section 359-C:20 to advise you of a security breach of personal data of approximately eight New Hampshire residents.

In late September 2011, we learned that personal information of Berkeley HeartLab ("BHL") patients was inappropriately accessed in 2008 and/or 2009 by a former BHL employee now with a competing laboratory. This information included some or all of the following data: name, address, the BHL tests performed and results, birth date and social security number.

We believe the individual may have intended to use the information for competitive purposes. Although we do not believe that this information was accessed or used for identity theft, we are offering individuals free credit monitoring with Experian for one year at no cost to the individuals. We have terminated the employee involved in the incident and enhanced our privacy controls.

We will be sending notification letters to the impacted individuals on or about October 31. Sample copies of the notification letters are enclosed.

Sincerely,

Mark Wilson
Director, Attorney
Berkeley HeartLab, Inc.
468 Littlefield Avenue
South San Francisco, CA 94080

Enclosures



October 31, 2011

[Consumer Name]
[Address]
[City], [State] [ZIP Code]

Dear [Consumer Name]:

Activation Code:

We are writing to inform you of a data security incident affecting your personal information. While we do not believe this information was accessed or used for identity theft, we are offering you free credit monitoring.

In April 2009, an employee of Berkeley HeartLab (BHL) inappropriately accessed personal information regarding one or more BHL laboratory tests your physician had ordered for you in early 2009. This information included some or all of the following data: your name, address, the BHL tests performed and results, birth date and social security number.

We discovered the incident in late September 2011. We believe the information was accessed for use by a competing laboratory to gain an unfair market advantage against BHL, and not for identity theft. We have notified the appropriate authorities, which may include consumer reporting agencies, attorneys general and/or state police, in accordance with applicable laws. We have terminated the employee involved in the incident and enhanced our data privacy controls.

We deeply regret and apologize for the incident. Even though the evidence strongly suggests your information was accessed only for competitive purposes, we are offering free credit monitoring with Experian for one year at no charge to you. The fact sheet on the back of this letter outlines this product and how to enroll in it. **You must enroll by January 31, 2012.**

If you have any questions not addressed in this letter and the fact sheet, please call Experian at (866) 274-4371, Monday to Friday, 6:00 AM to 6:00 PM, and Saturday to Sunday, 8:00 AM - 5:00 PM (Pacific Time).

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Mercer", written in a cursive style.

Michael Mercer
Vice President and General Manager
Berkeley HeartLab

PS: Remember to refer to the fact sheet on the back of this letter to learn about our free credit monitoring offer. You must enroll with Experian by **January 31, 2012** to take advantage of this offer.

FREE CREDIT MONITORING FOR BHL PATIENTS

To help protect your identity, BHL is offering you a free one-year membership in Experian's **ProtectMyID™ Alert**. This product helps detect possible misuse of your personal information and provides you with superior identity protection focused on immediate identification and resolution of identity theft.

Your Complimentary 12-month ProtectMyID Membership Includes:

- **Credit Report:** A free copy of your Experian credit report.
- **Daily Credit Monitoring:** Monitors your credit reports from all three national credit bureaus and alerts you to suspicious activity, including new inquiries, newly opened accounts, delinquencies, or medical collections.
- **Identity Theft Resolution:** If you have been a victim of identity theft, you will be assigned a dedicated, U.S.-based Experian Identity Theft Resolution Agent who will walk you through the fraud resolution process, from start to finish.
- **\$1 Million Identity Theft Insurance*:** As a ProtectMyID member, you are immediately covered by a \$1 Million insurance policy that can help you cover certain costs, including lost wages, private investigator fees, and unauthorized electronic fund transfers.

Activate ProtectMyID Now in Three Easy Steps:

1. **ENSURE That You Enroll By: January 31, 2012**
2. **VISIT the ProtectMyID Web Site: www.protectmyid.com/redeem or call (866) 274-4371 to enroll**
3. **PROVIDE Your Activation Code: [code]**

Once your ProtectMyID membership is activated, your credit report will be monitored daily for 50 leading indicators of identity theft. You'll receive timely Credit Alerts from ProtectMyID on any key changes in your credit report, which could include new inquiries, new credit accounts, medical collections, and changes to public records.

Once your enrollment in ProtectMyID is complete, you should carefully review your credit report for inaccurate or suspicious items. If you have any questions about ProtectMyID, need help understanding something on your credit report, or suspect that an item on your credit report may be fraudulent, please contact Experian's customer care team at **(866) 274-4371**.

Please remain vigilant by reviewing your account statements and monitoring free credit reports. You may also receive a free credit report by contacting one or all of the three credit agencies:

| | | |
|------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------|
| Equifax | Experian | TransUnion |
| P.O. Box 740241 | P.O. Box 2002 | P.O. Box 2000 |
| Atlanta, Georgia 30374 | Allen, TX 75013 | Chester, PA 19022 |
| 1-800-685-1111 | 1-888-397-3742 | 1-800-888-4213 |
| www.equifax.com | www.experian.com | www.transunion.com |

Experian® is a global leader in providing information, analytical tools and marketing services to organizations and consumers to help manage the risk and reward of commercial and financial decisions.

*Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of Chartis, Inc. 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.



October 31, 2011

[Consumer Name]
[Address]
[City], [State] [ZIP Code]

Dear [Consumer Name]:

Activation Code:

We are writing to inform you of a data security incident affecting your personal information. While we do not believe this information was accessed or used for identity theft, we are offering you free credit monitoring.

In 2008, a Berkeley HeartLab (BHL) employee inappropriately took personal information on your BHL laboratory tests upon resigning to establish a competing laboratory. We believe this individual's intention was to use the information to help the competitor gain an unfair market advantage against BHL, and not for identity theft. The information included some or all of the following data: your name, address, the BHL tests performed and results, birth date and social security number.

We learned about the incident in late September 2011. We have notified the appropriate authorities, which may include consumer reporting agencies, attorneys general and/or state police, in accordance with applicable laws. We have also enhanced our data privacy controls.

We deeply regret and apologize for the incident. Even though the evidence strongly suggests your information was accessed only for competitive purposes, we are offering free credit monitoring with Experian for one year at no charge to you. The fact sheet on the back of this letter outlines this product and how to enroll in it. **You must enroll by January 31, 2012.**

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Michael Mercer
Vice President and General Manager
Berkeley HeartLab

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Experian® is a global leader in providing information, analytical tools and marketing services to organizations and consumers to help manage the risk and reward of commercial and financial decisions.

*Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of Chartis, Inc. 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.