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February 4, 2022

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**VIA E-MAIL (ATTORNEYGENERAL@DOJ.NH.GOV)**

The Honorable John Formella  
Attorney General of the State of New Hampshire  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

***Re: Notification of a Data Security Incident***

Dear Attorney General Formella:

We represent Berkshire Concrete Cutting LLC (“Berkshire”) in connection with an incident that involved the personal information of nine (9) New Hampshire residents and provide this notice on behalf of Berkshire pursuant to N.H. REV. STAT. ANN. § 359-C:20. This notice will be supplemented, if necessary, with any new significant facts discovered subsequent to its submission. While Berkshire is notifying you of this incident, Berkshire does not waive any rights or defenses relating to the incident or this notice, or the applicability of New Hampshire law on personal jurisdiction.

**NATURE OF THE SECURITY BREACH OR UNAUTHORIZED USE OR ACCESS**

On November 29, 2021, Berkshire was impacted by a cybersecurity incident that encrypted certain systems in the Berkshire environment. Upon discovering the incident, Berkshire immediately removed the encrypted systems from the network, and engaged a leading forensic firm to investigate the incident and confirm the security of the Berkshire environment. On January 3, 2022, in the course of the forensic investigation, Berkshire learned that an unauthorized party could have accessed the company’s QuickBooks files. Those files contain personal information, including names, Social Security numbers, and dates of birth for current and former Berkshire employees. At this point, Berkshire is not aware of any fraud or identity theft to any individual as a result of this incident.

**NUMBER OF NEW HAMPSHIRE RESIDENTS AFFECTED**

Berkshire determined that nine (9) New Hampshire residents may have been impacted by this incident. Berkshire notified the impacted individuals on February 3, 2022. The notification letter

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Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Nashville New York Phoenix  
St. Louis San Francisco Seattle Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California



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includes an offer for twenty-four (24) months of complimentary credit monitoring and identity theft protection. Included in the notification is also information on ways the individuals can protect themselves against potential fraud and identity theft, as well as a telephone number they can call if they have any questions regarding the incident. A sample of the notification letter is enclosed.

#### **STEPS TAKEN RELATING TO THE INCIDENT**

Upon becoming aware of the incident, Berkshire immediately removed the encrypted systems from the network and engaged a leading forensic investigation firm to investigate the incident and confirm the security of the Berkshire environment. Berkshire also changed passwords and enabled geo-blocking, reducing the likelihood that this type of incident will occur in the future. Berkshire notified law enforcement. Finally, as discussed above, Berkshire is notifying impacted individuals, providing them complimentary credit monitoring and identity theft protection, and providing them with information on how they can protect themselves against fraudulent activity and identity theft.

#### **CONTACT INFORMATION**

Please contact me if you have any questions or if I can provide you with any further information concerning this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Waters".

Michael J. Waters



<<Name 1>>

<<Address 1>>

<<Address 2>>

<<City>><<State>><<Zip>>

<<Date>>

<<Country>>

Dear <<Name 1>>:

Berkshire Concrete Cutting LLC (“Berkshire”) values and respects the privacy of the information entrusted to us, which is why we are writing to advise you of a recent incident that may have involved some of your personal information. We have no reason to believe that your information has been misused and we do not have confirmation that your personal information was actually viewed by any third party. Nonetheless, we are writing to advise you about the incident and to provide you with guidance on what you can do to protect yourself, should you feel it is appropriate to do so.

On November 29, 2021, we discovered that Berkshire was impacted by a cybersecurity incident. We promptly investigated the matter with the help of a leading forensics firm and have taken steps to prevent a similar incident from happening in the future. On January 3, 2022, as part of the investigation, we determined that someone could have accessed the company’s Quickbook files without authorization. Those files contain some of your personal information, including your name, Social Security number, and date of birth.

Although we have no knowledge of anyone’s information having been acquired or misused, we are offering a complimentary two-year membership of Experian IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with identity protection services focused on immediate identification and resolution of identity theft. IdentityWorks Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. **For more information on identity theft prevention and IdentityWorks Credit 3B, including instructions on how to activate your complimentary, two-year membership, please see the additional information attached to this letter.**

You can find more information on steps to protect yourself against identity theft or fraud in the enclosed *Additional Important Information* sheet.

We take our responsibility to safeguard personal information seriously and apologize for any inconvenience or concern this incident might have caused. For further information and assistance, please call [number] from [time] a.m. – [time] p.m. Eastern, Monday through Friday.

Sincerely,

Ben Govotski

## Activate IdentityWorks Credit 3B

To help protect your identity, we are offering a **complimentary** two-year membership of Experian IdentityWorks<sup>SM</sup> Credit 3B. This product helps detect possible misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

### Activate IdentityWorks Credit 3B Now in Three Easy Steps

1. ENROLL by: **04/25/2022** (Your code will not work after this date.)
2. VISIT the **Experian IdentityWorks website** to enroll: <https://www.experianidworks.com/3bcredit>
3. PROVIDE the **Activation Code**: **[code]**

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 877-288-8057. Be prepared to provide engagement number **B026248** as proof of eligibility for the identity restoration services by Experian.

### ADDITIONAL DETAILS REGARDING YOUR 24-MONTH EXPERIAN IDENTITYWORKS CREDIT 3B MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks Credit 3B.

You can contact Experian **immediately without needing to enroll in the product** regarding any fraud issues. Identity Restoration specialists are available to help you address credit and non-credit related fraud.

Once you enroll in Experian IdentityWorks, you will have access to the following additional features:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian, Equifax and Transunion files for indicators of fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

Activate your membership today at <https://www.experianidworks.com/3bcredit>

or call **877-288-8057** to register with the activation code above.

**What you can do to protect your information:** There are additional actions you can consider taking to reduce the chances of identity theft or fraud on your account(s). Please refer to [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration) for this information. If you have any questions about IdentityWorks, 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 877-288-8057.

\* Offline members will be eligible to call for additional reports quarterly after enrolling.

\*\* The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdiction.

### **Additional Important Information**

As a precautionary measure, we recommend that you remain vigilant to protect against potential fraud and/or identity theft by, among other things, reviewing your account statements and monitoring credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You should also promptly report any fraudulent activity or any suspected incidents of identity theft to proper law enforcement authorities, including the police and your state's attorney general, as well as the Federal Trade Commission ("FTC").

You may wish to review the tips provided by the FTC on fraud alerts, security/credit freezes and steps you can take to avoid identity theft. For more information and to contact the FTC, please visit [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or call 1-877-ID-THEFT (1-877-438-4338). You may also contact the FTC at Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

Under Massachusetts law, you have the right to obtain any police report filed in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.

The Massachusetts law also allow consumers to place a security freeze on their credit reports. A security freeze can be placed without any charge. A security freeze prohibits a credit reporting agency from releasing any information from a consumer's credit report without written authorization. However, please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

To place a security freeze on your credit report, you must send a written request to each of the three major consumer reporting agencies by regular, certified or overnight mail at the addresses below or, if available, comply with the consumer reporting agencies' online security freeze request procedures:

Equifax Security Freeze  
1-888-298-0045  
[www.equifax.com](http://www.equifax.com)  
P.O. Box 105788  
Atlanta, GA 30348

Experian Security Freeze  
1-888-397-3742  
[www.experian.com](http://www.experian.com)  
P.O. Box 9554  
Allen, TX 75013

Trans Union Security Freeze  
1-888-909-8872  
[www.transunion.com](http://www.transunion.com)  
P.O. Box 160  
Woodlyn, PA 19094

In order to request a security freeze, you may 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.); and
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.

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 access to your credit report, you must call or send a written request to the credit reporting agencies by mail or, if available, comply with the consumer reporting agencies' online procedures for lifting a security freeze, 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 or, if available, comply with the consumer reporting agencies' online procedures for removing a security freeze, 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.

**Credit Reports:** You may obtain a free copy of your credit report once every 12 months from each of the three national credit reporting agencies by visiting [www.annualcreditreport.com](http://www.annualcreditreport.com), by calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You can print a copy of the request form at <https://www.annualcreditreport.com/manualRequestForm.action>.

Alternatively, you may elect to purchase a copy of your credit report by contacting one of the three national credit reporting agencies. Contact information for the three national credit reporting agencies for the purpose of requesting a copy of your credit report or for general inquiries is as follows:

Equifax  
1-866-349-5191  
[www.equifax.com](http://www.equifax.com)  
P.O. Box 740241  
Atlanta, GA 30374

Experian  
1-888-397-3742  
[www.experian.com](http://www.experian.com)  
P.O. Box 9554  
Allen, TX 75013

TransUnion  
1-800-888-4213  
[www.transunion.com](http://www.transunion.com)  
P.O. Box 1000  
Chester, PA 19016

**Fraud Alerts:** You may want to consider placing a fraud alert on your credit report. A fraud alert is free and will stay on your credit report for one (1) year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any new accounts in your name. To place a fraud alert on your credit report, contact any of the three national credit reporting agencies using the contact information listed above. Additional information is available at [www.annualcreditreport.com](http://www.annualcreditreport.com).

**Rhode Island Residents:** We believe that this incident affected 1 Rhode Island resident. Rhode Island residents can contact the Office of the Attorney general at: Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, (401) 274-4400, [www.riag.ri.gov](http://www.riag.ri.gov). You have the right to obtain any police report filed in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.