



MULLEN
COUGHLIN_{LLC}
ATTORNEYS AT LAW

NH DEPT OF JUSTICE
MAY 24 2022 PM 1:27:04

Carolyn Purwin Ryan
Office: (267) 930-6836
Fax: (267) 930-4771
Email: CPurwinRyan@mullen.law

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

May 20, 2022

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 Biolase, Inc. (“Biolase”) located at 27042 Towne Centre Drive, Suite 270, Foothill Ranch, CA 92610, and are writing to notify your office of an incident that may affect the security of certain personal information relating to thirty-five (35) New Hampshire residents. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Biolase 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 December 29, 2021, Biolase identified unusual activity on its network, and began an investigation with the assistance of third-party forensic specialists. The investigation determined that an unauthorized actor accessed the Biolase network and removed certain files from the network sometime between December 21, 2021 and December 29, 2021. As a result, Biolase undertook a comprehensive process to identify what information was potentially contained within the impacted files, and to whom that information belonged. That process was completed for certain individuals on or around April 20, 2022.

The information that could have been subject to unauthorized access includes name, Social Security number, Driver’s License number, financial account number, and payment card number and CVV code.

Notice to New Hampshire Residents

On or about May 20, 2022, Biolase began providing written notice of this incident to thirty-five (35) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, Biolase moved quickly to investigate and respond to the incident, assess the security of Biolase systems, and identify potentially affected individuals. Further, Biolase notified federal law enforcement regarding the event. Biolase is providing access to credit monitoring services for one (1) year, through Equifax, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

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

Biolase is providing written notice of this incident to relevant state regulators, as necessary, and to the three major credit reporting agencies, Equifax, Experian, and TransUnion. Law enforcement has been notified and is investigating this matter.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-6836.

Very truly yours,

Carolyn Purwin Ryan of
MULLEN COUGHLIN LLC

CPR/dtg
Enclosure

EXHIBIT A

BIOLASE

Advancing Dentistry.

Return Mail Processing Center
P.O. Box 6336
Portland, OR 97228-6336

<<Mail ID>>
<<Name 1>>
<<Name 2>>
<<Address 1>>
<<Address 2>>
<<Address 3>>
<<Address 4>>
<<Address 5>>
<<City>><<State>><<Zip>>
<<Country>>

<<Date>>

Re: Notice of Data <<Var Header – Incident or Breach>>

Dear <<Name1>>:

Biolase, Inc. (“Biolase”) is writing to make you aware of an incident that may affect the security of some of your information. We take this incident seriously, and write to provide you with information about the incident, what we are doing in response, and the resources that are available to you to help better protect your personal information from possible misuse, should you feel it is appropriate to do so.

What Happened? On December 29, 2021, Biolase identified unusual activity on its network, and began an investigation with the assistance of third-party forensic specialists. The investigation determined that an unauthorized actor accessed the Biolase network and removed certain files from the network sometime between December 21, 2021 and December 29, 2021. As a result, we undertook a comprehensive process to identify what information was potentially contained within the impacted files, and to whom that information belonged. That process was completed on or around April 20, 2022. We are now notifying those individuals whose information was potentially impacted by the incident.

What Information Was Involved? Based on the investigation into this incident, it was determined that the information involved may include your name and <<Data Elements>>.

What We Are Doing. We take this incident and the security of information within our care seriously. Upon discovery of this incident, we launched an in-depth investigation with the assistance of third-party forensic specialists to determine the full nature and scope of this incident. As part of our ongoing commitment to the privacy of information in our care, we are reviewing our existing policies and procedures and implementing additional safeguards to further secure the information in our systems as appropriate. We notified law enforcement and are notifying regulatory authorities as required by law. We are also notifying potentially affected individuals, including you, so that you may take further steps to best protect your personal information, should you feel it is appropriate to do so. As an added precaution, we arranged to have Equifax provide credit monitoring services for <<CM Length>> at no cost to you.

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 over the next 12 to 24 months. Please also review the information contained in the enclosed *Steps You Can Take to Help Protect Your Personal Information*. You may also enroll in the complimentary credit monitoring services we are making available to you. Enrollment instructions are attached to this letter.

For More Information. We understand you may have additional questions not addressed by this letter. If you have questions, please call our dedicated assistance line at 1-844-997-4950, Monday through Friday, 9:00 a.m. to 9:00 p.m. Eastern Time, except holidays.

Sincerely,

Biolase, Inc.

STEPS YOU CAN TAKE TO HELP PROTECT YOUR PERSONAL INFORMATION

Enroll in Credit Monitoring

As a safeguard, we have arranged for you to enroll, at no cost to you, in an online credit monitoring service provided by Equifax,[®] one of the three nationwide credit reporting companies. To enroll in credit monitoring please follow the instructions below.

Go to www.equifax.com/activate

Enter your unique Activation Code of <<Activation Code>> then click “Submit” and follow these 4 steps:

1. **Register:** Complete the form with your contact information and click “Continue”.
If you already have a myEquifax account, click the ‘Sign in here’ link under the “Let’s get started” header. Once you have successfully signed in, you will skip to the Checkout Page in Step 4
2. **Create Account:** Enter your email address, create a password, and accept the terms of use.
3. **Verify Identity:** To enroll in your product, we will ask you to complete our identity verification process.
4. **Checkout:** Upon successful verification of your identity, you will see the Checkout Page.
Click ‘Sign Me Up’ to finish enrolling.

You’re done!

The confirmation page shows your completed enrollment.
Click “View My Product” to access the product features.

You can sign up for these services anytime between now and <<Enrollment Deadline>>. You will need to activate these services yourself, as we are not able to do so on your behalf.

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 your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your 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 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 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 your name without your consent. However, you should be aware that using a credit 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 credit freeze on your credit report. To request a credit freeze, you will need to provide 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 you are a victim of identity theft.

Should you wish to place a fraud alert or credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-833-395-6938
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

Additional Information

As a general practice, we encourage individuals to frequently reset online account passwords, to use complex password combinations, and to not share passwords or use identical passwords for multiple online accounts. You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your 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; 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 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 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.

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 www.oag.state.md.us. Biolase is located at 27042 Towne Centre Drive, Suite 270, Foothill Ranch, CA 92610.

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 bureaus 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 violator. 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/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.

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; www.riag.ri.gov; and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are <<RI Count>> Rhode Island residents impacted by this incident.

NH DEPT OF JUSTICE
MAY 24 2022 AM 11:30