



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

RECEIVED  
MAR 04 2021  
CONSUMER PROTECTION

Sian M. Schafle  
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Email: [sschafle@mullen.law](mailto:sschafle@mullen.law)

1275 Drummers Lane, Suite 302  
Wayne, PA 19087

February 23, 2021

**VIA U.S. MAIL**

Consumer Protection Bureau  
Office of the New Hampshire Attorney General  
33 Capitol Street  
Concord, NH 03301

**Re: Supplemental Notice of Data Event**

Dear Sir or Madam:

We represent CBD Industries, LLC (“CBD Industries”) located at 8845 Red Oak Blvd., Charlotte, NC 28217, and write to supplement CBD Industries’ September 29, 2020 notice to your office, attached hereto as *Exhibit A*. This notice will be supplemented with any new materially significant facts learned subsequent to its submission. By providing this notice, CBD Industries 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 January 19, 2021, CBD Industries learned that customer transactions on [hempsynergy.com](http://hempsynergy.com) and [pawcbd.com](http://pawcbd.com) between March 30, 2020, and May 8, 2020, and May 14, 2020, and May 18, 2020, may have been impacted by malicious code. The code created a risk that customer-input data elements on the webpage may have been skimmed by an unauthorized third-party.

Transaction information on the website included first and last name, email address, billing address, credit or debit card number, expiration date and card security code, and/or bank account number.

**Notice to New Hampshire Residents**

On February 23, 2021, CBD Industries provided written notice of this incident to the newly identified individuals, which includes thirteen (13) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit B*.

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

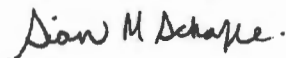
CBD Industries is providing access to credit monitoring services for one (1) year, through TransUnion, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, CBD Industries is providing notified individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. CBD Industries 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.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4799.

Very truly yours,



Sian M. Schafle of  
MULLEN COUGHLIN LLC

SMS/ara  
Enclosure

# **EXHIBIT A**



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Joshua P. Brian  
T: (850) 205-3336 F: (850) 681-9792  
joshua.brian@nelsonmullins.com

215 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
T: 850.681.6810 F: 850.681.9792  
nelsonmullins.com

September 29, 2020

**Via E-mail and Certified Mail**

Attorney General Gordon J. MacDonald  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

RE: Notice of Data Privacy Incident

Dear Attorney General MacDonald:

Our law firm, Nelson Mullins Riley & Scarborough LLP, 215 South Monroe Street, Ste. 400, Tallahassee, FL 32301, represents CBD Industries, LLC ("CBD Industries"), 8845 Red Oak Blvd., Charlotte, NC 28217, a retailer.

CBD Industries recently determined that the eCommerce platform underlying its online retail sales webpage was modified to include malicious code. The malicious code created a risk that customer-input elements on the webpage may have been skimmed by an unauthorized third party. CBD Industries notified federal law enforcement and has cooperated with its investigation.

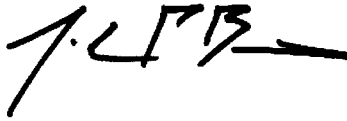
After review by an industry-leading forensic investigation firm, CBD Industries determined that customers who placed orders from March 30, 2020, through May 8, 2020, and May 14, 2020, through May 18, 2020, were at risk. The data elements at risk included both personal and non-personal information consisting of first and last names, email addresses, billing addresses, credit or debit card numbers, expiration dates and card security codes, and/or bank account numbers. Although CBD Industries cannot confirm that customer information was acquired, on or about September 28, 2020, CBD Industries will provide the enclosed notice to customers who may be at risk and is offering to provide one (1) year of identity monitoring without cost to them.

The number of residents at risk is three-hundred-thirty-two (332).

September 29, 2020  
Page 2

Please let me know if you have any questions regarding this notification.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J.P. Brian', with a horizontal line extending to the right.

Joshua P. Brian

Enclosure: Notice Template

# CBD INDUSTRIES

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>>

## NOTICE OF DATA PRIVACY INCIDENT

Dear <<Name 1>>:

CBD Industries, LLC respects the privacy of your information, which is why we are writing to tell you about a data privacy incident that temporarily impacted our eCommerce platform.

### What Happened

Like many online retailers, we recently determined the eCommerce platform underlying our online retail sales webpage, [cbdmd.com](http://cbdmd.com), was modified to include malicious code. The malicious code created a risk that customer-input elements on the webpage may have been skimmed by an unauthorized third party. We notified federal law enforcement and have been cooperating with their investigation.

After review by an industry leading investigation firm, we determined that customers who placed orders from March 30, 2020, through May 8, 2020, and May 14, 2020, through May 18, 2020, were at risk.

Although we cannot confirm that customer information was acquired, we have decided to proactively provide this notice and one (1) year of identity monitoring without cost to you to ensure you can protect yourself, should you feel it is appropriate.

### What Information Was Involved

We cannot confirm that your personal information was acquired without authorization. However, the information at risk would have included your first and last name, email address, billing address, credit or debit card number, expiration date and card security code, and/or bank account number.

### What We Are Doing

To help relieve concerns following this incident, we secured TransUnion to provide identity monitoring at no cost to you for one (1) year. TransUnion is an industry leader and functions as a first point of contact for credit-related issues, which allows it to efficiently furnish timely notification about credit-related issues to individuals enrolled in its identity monitoring service.

Visit [www.MyTrueIdentity.com](http://www.MyTrueIdentity.com) to activate and take advantage of your identity monitoring service.

You have until <<Enrollment Deadline>> to activate your identity monitoring service.

*myTrueIdentity* Credit Monitoring Service Activation Code: <<ACTIVATION CODE>>

Additional information describing this service is included with this letter. We encourage you to review the description and to enroll in this service.

To further protect your information from unauthorized access, we have implemented additional technical security measures designed to prevent similar incidents from occurring in the future.

**What You Can Do**

Please review the enclosed “**Additional Resources**” information included with this letter, which describes additional steps you can take to help protect yourself, including recommendations by the Federal Trade Commission regarding identity theft protection and details on how to place a fraud alert or a security freeze on your credit file.

**For More Information**

For further information, please call 888-490-0905 between 9:00 a.m. and 9:00 p.m. EST. We take the protection of your personal information very seriously and apologize for any inconvenience. We trust that the services we are offering to you demonstrate our continued commitment to your security and satisfaction.

Sincerely,

CBD Industries, LLC

## ADDITIONAL RESOURCES

### Contact information for the three nationwide credit reporting agencies is:

**Equifax**, P.O. Box 740241, Atlanta, GA 30374, [www.equifax.com](http://www.equifax.com), 1-800-685-1111

**Experian**, P.O. Box 2104, Allen, TX 75013, [www.experian.com](http://www.experian.com), 1-888-397-3742

**TransUnion**, P.O. Box 34012, Fullerton, CA 92834, [www.transunion.com](http://www.transunion.com), 1-800-916-8800

**Free Credit Report.** It is recommended that you remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring your credit report for unauthorized activity over the next twenty-four months, and immediately report incidents of suspected identity theft to both your financial provider and law enforcement.

You may obtain a copy of your credit report, free of charge, once every twelve months from each of the three nationwide credit reporting agencies. You may also seek to have information relating to fraudulent transactions removed from your credit report. To order your annual free credit report, please visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll free at **1-877-322-8228**.

You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available from the U.S. Federal Trade Commission's ("FTC") website at [www.consumer.ftc.gov](http://www.consumer.ftc.gov)) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

**For Colorado, Georgia, Maine, Maryland, New Jersey, Puerto Rico, and Vermont residents:** You may obtain one or more (depending on the state) additional copies of your credit report, free of charge. You must contact each of the credit reporting agencies directly to obtain such additional report(s).

**Fraud Alert.** You may place a fraud alert in your file by calling one of the three nationwide credit reporting agencies above. A fraud alert tells creditors to follow certain procedures, including contacting you before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit.

**Security Freeze.** You have the ability to place a security freeze on your credit report free of charge.

A security freeze is intended to prevent credit, loans, and services from being approved in your name without your consent. To place a security freeze on your credit report, you may be able to use an online process, an automated telephone line, or a written request to any of the three credit reporting agencies listed above. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; (5) legible copy of a government issued identification card; (6) legible copy of a recent utility bill or bank or insurance statement that displays your name and current mailing address, and the date of issue; and (7) any applicable incident report or complaint filed with a law enforcement agency.

**Federal Trade Commission and State Attorneys General Offices.** If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your home state. You may also contact these agencies for information on how to prevent or avoid identity theft.

You may contact the **Federal Trade Commission**, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580, <https://www.consumer.ftc.gov/features/feature-0014-identity-theft>, 1-877-IDTHEFT (438-4338).

**State Attorney General's Office Contact Information:** <<State AG Info>>.



## Complimentary One-Year *myTrueIdentity* Credit Monitoring Service

As a safeguard, we have arranged for you to enroll, at no cost to you, in an online credit monitoring service (*myTrueIdentity*) for one year provided by TransUnion Interactive, a subsidiary of TransUnion,<sup>®</sup> one of the three nationwide credit reporting companies.

### **How to Enroll: You can sign up online or via U.S. mail delivery**

- To enroll in this service, go to the *myTrueIdentity* website at **www.MyTrueIdentity.com** and, in the space referenced as “Enter Activation Code,” enter the 12-letter Activation Code <<**Insert Unique 12-letter Activation Code**>> and follow the three steps to receive your credit monitoring service online within minutes.
- If you do not have access to the Internet and wish to enroll in a similar offline, paper-based credit monitoring service, via U.S. mail delivery, please call the TransUnion Fraud Response Services toll-free hotline at **1-855-288-5422**. When prompted, enter the six-digit telephone passcode <<**Insert static 6-digit Telephone Pass Code**>> and follow the steps to enroll in the offline credit monitoring service, add an initial fraud alert to your credit file, or to speak to a TransUnion representative if you believe you may be a victim of identity theft.

You can sign up for the online or offline credit monitoring service anytime between now and <<**Enrollment Deadline**>>. Due to privacy laws, we cannot register you directly. Please note that credit monitoring services might not be available for individuals who do not have a credit file with TransUnion or an address in the United States (or its territories) and a valid Social Security number. Enrolling in this service will not affect your credit score.

### **ADDITIONAL DETAILS REGARDING YOUR 12-MONTH COMPLIMENTARY CREDIT MONITORING SERVICE:**

- Once you are enrolled, you will be able to obtain one year of unlimited access to your TransUnion credit report and credit score.
- The daily credit monitoring service will notify you if there are any critical changes to your credit file at TransUnion, including fraud alerts, new inquiries, new accounts, new public records, late payments, changes of address, and more.
- The service also includes access to an identity restoration program that provides assistance in the event that your identity is compromised and up to \$1,000,000 in identity theft insurance with no deductible. (Policy limitations and exclusions may apply.)

# **EXHIBIT B**

# CBD INDUSTRIES

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>>

<<Variable Heading>>

Dear <<Name 1>>,

CBD Industries, LLC writes to inform you of a data privacy incident that temporarily impacted our eCommerce platform. This notice provides information about the incident, our response, and resources available to you to help protect your information from possible misuse, should you feel it necessary to do so.

**What Happened?** On January 19, 2021, we learned that customer transactions on <<Website>> between March 30, 2020, and May 8, 2020, and May 14, 2020, and May 18, 2020, may have been impacted by malicious code. The code created a risk that customer-input data elements on the webpage may have been skimmed by an unauthorized third-party.

**What Information Was Involved?** Transaction information on the website included first and last name, email address, billing address, credit or debit card number, expiration date and card security code, and/or bank account number.

**What Are We Doing?** We take this incident and the security of personal information in our care very seriously. Technical security measures are in place to guard against reoccurrence of this type of incident. As an added precaution, we are providing you with access to credit monitoring services through TransUnion at no cost to you. Instructions on how to enroll may be found in the enclosed *TransUnion* leaflet.

**What Can You Do?** We encourage you to remain vigilant against incidents of identity theft and fraud and to review your account statements and free credit reports for suspicious activity and to detect errors. You may also review the “*Steps You Can Take to Help Protect Your Information*” section of this letter, which describes steps you can take to help protect your information.

**For More Information.** We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, please call our call center at 877-868-0171 (toll free), Monday through Friday, from 9:00 am. to 9:00 p.m. Eastern Time (excluding U.S. holidays).

We sincerely regret any inconvenience or concern this incident has caused.

Sincerely,

CBD Industries, LLC

## STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

### **Enroll in Monitoring Services**

We encourage you to enroll in the complimentary TransUnion identity monitoring, which includes unlimited access to your TransUnion credit report and credit score, automatic alerts to critical changes in your credit file, and up to \$1,000,000.00 in identity theft insurance. Enrollment instructions are included with this letter.

### **Monitor Your Accounts**

**Free Credit Report.** It is recommended that you remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring your credit report for unauthorized activity, and immediately report incidents of suspected identity theft to both your financial provider and law enforcement.

You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting agencies. You may also seek to have information relating to fraudulent transactions removed from your credit report. To order your annual free credit report, please visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll free at 1-877-322-8228.

You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available from the U.S. Federal Trade Commission's website at [www.consumer.ftc.gov](http://www.consumer.ftc.gov)) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

**Fraud Alert.** At no cost, you may place a fraud alert in your file by contacting one of the three nationwide credit reporting agencies below. A fraud alert tells creditors to follow certain procedures, including contacting you before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain 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.

#### **Equifax**

P.O. Box 105069  
Atlanta, GA 30348  
1-800-525-6285

<https://www.equifax.com/personal/credit-report-services/credit-fraud-alerts/>

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

[www.experian.com/fraud/center.html](http://www.experian.com/fraud/center.html)

#### **TransUnion**

P.O. Box 2000  
Chester, PA 19016  
1-800-680-7289

<https://www.transunion.com/fraud-alerts>

**Security Freeze.** You have the right place a security freeze on your credit report free of charge. A security freeze is intended to prevent credit, loans, and services from being approved in your name without your consent. To place a security freeze on your credit report, you may be able to use an online process, an automated telephone line, or a written request to any of the three credit reporting agencies listed below. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; (5) legible copy of a government issued identification card; (6) legible copy of a recent utility bill or bank or insurance statement that displays your name and current mailing address, and the date of issue; and (7) any applicable incident report or complaint filed with a law enforcement agency.

#### **Equifax**

P.O. Box 105788  
Atlanta, GA 30348-5788  
1-888-298-0045

<https://www.equifax.com/personal/credit-report-services/credit-freeze/>

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

[www.experian.com/freeze/center.html](http://www.experian.com/freeze/center.html)

#### **TransUnion**

P.O. Box 160  
Woodlyn, PA 19094  
1-888-909-8872

[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

**Federal Trade Commission and State Attorneys General Offices.** If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your home state. You may also contact these agencies for information on how to prevent or avoid identity theft. You may contact the Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580, [www.identitytheft.gov](http://www.identitytheft.gov), 1-877-IDTHEFT (438-4338), and TTY: 1-866-653-4261.

**Maryland Residents:** Office of the Attorney General of Maryland, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, [www.oag.state.md.us/Consumer](http://www.oag.state.md.us/Consumer), Telephone: 1-888-743-0023; 1-410-528-8662. **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 agencies 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 a 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. You can review your 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., NW, Washington, D.C. 20580. **New York Residents:** The Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov/>. **North Carolina Residents:** Office of the Attorney General of North Carolina, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), Telephone: 1-919-716-6400, 877-566-7226 (toll free within NC). **Rhode Island Residents:** Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, [www.riag.ri.gov](http://www.riag.ri.gov), Telephone: 401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are approximately six (6) Rhode Island residents impacted by this incident. **Washington D.C. Residents:** The Office of the Attorney General for the District of Columbia can be reached at: 441 4th Street NW, Suite 1100 South, Washington, D.C. 20001; 1-202-442-9828; <https://oag.dc.gov>.



Activation Code: <<Activation Code>>

## Complimentary One-Year *myTrueIdentity* Credit Monitoring Service

As a safeguard, we have arranged for you to enroll, at no cost to you, in an online credit monitoring service (*myTrueIdentity*) for one year provided by TransUnion Interactive, a subsidiary of TransUnion®, one of the three nationwide credit reporting companies.

### **How to Enroll: You can sign up online or via U.S. mail delivery**

- To enroll in this service, go to the *myTrueIdentity* website at [www.MyTrueIdentity.com](http://www.MyTrueIdentity.com) and, in the space referenced as “Enter Activation Code,” enter the 12-letter Activation Code <<Insert Unique 12-letter Activation Code>> and follow the three steps to receive your credit monitoring service online within minutes.
- If you do not have access to the Internet and wish to enroll in a similar offline, paper-based credit monitoring service, via U.S. mail delivery, please call the TransUnion Fraud Response Services toll-free hotline at **1-855-288-5422**. When prompted, enter the six-digit telephone passcode <<Insert static 6-digit Telephone Pass Code>> and follow the steps to enroll in the offline credit monitoring service, add an initial fraud alert to your credit file, or to speak to a TransUnion representative if you believe you may be a victim of identity theft.

You can sign up for the online or offline credit monitoring service anytime between now and <<Enrollment Deadline>>. Due to privacy laws, we cannot register you directly. Please note that credit monitoring services might not be available for individuals who do not have a credit file with TransUnion or an address in the United States (or its territories) and a valid Social Security number. Enrolling in this service will not affect your credit score.

### **ADDITIONAL DETAILS REGARDING YOUR 12-MONTH COMPLIMENTARY CREDIT MONITORING SERVICE:**

- Once you are enrolled, you will be able to obtain one year of unlimited access to your TransUnion credit report and credit score.
- The daily credit monitoring service will notify you if there are any critical changes to your credit file at TransUnion, including fraud alerts, new inquiries, new accounts, new public records, late payments, changes of address, and more.
- The service also includes access to an identity restoration program that provides assistance in the event that your identity is compromised and up to \$1,000,000 in identity theft insurance with no deductible. (Policy limitations and exclusions may apply.)

2021 MAR -4 AM 11:55

STATE OF NH  
DEPT OF JUSTICE