



McLane, Graf,
Raulerson & Middleton
Professional Association

900 Elm Street | P.O. Box 326 | Manchester, NH 03105-0326
Tel: 603.625.6464 | Fax: 603.625.5650 | www.mclane.com

OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH
WOBURN, MA

CAMERON G. SHILLING
Direct Dial: (603) 628-1351
Email: cameron.shilling@mclane.com
Licensed in NH and MA

April 22, 2013

Attorney General Michael A. Delaney
Office of the Attorney General
33 Capital Street
Concord, NH 03301

Re: Child and Family Services - Data Breach Notification

Dear Attorney General Delaney:

The McLane law firm represents Child and Family Services of New Hampshire (“CFS”), which is headquartered in Manchester, New Hampshire and has regional offices throughout the state. We are writing to inform you about a recent security breach at CFS that affects 23 residents of New Hampshire. We are informing you pursuant to RSA 359-C:20, I(b), in addition to notifying Commissioner Nick Toumpas of the New Hampshire Department of Health and Human Services.

On March 19, 2013, CFS learned that 23 client files were stolen from a secure area in CFS’ main office at 464 Chestnut Street, Manchester, New Hampshire between March 15, 2013 and March 18, 2013. CFS takes the privacy of its clients very seriously. The protocols put in place to protect client files are designed to limit, restrict, and record access to the client files. Once CFS discovered the theft, it immediately launched an investigation into the matter. CFS reviewed security tapes and information recorded on its restricted access entry system, and notified and filed a report with the Manchester Police Department. Unfortunately, the identity of the person responsible for the theft has not been discovered yet by CFS or the police department. The police continue their investigation, and CFS will work with law enforcement to try to identify the responsible party and take appropriate action.

The information in the files included names, addresses, dates of birth, client Medicaid number, and certain health information and notes provided to and taken by CFS. The file did not contain any social security numbers, bank account numbers, or any other financial account information. Since learning of the theft, CFS has been actively exploring how to further improve security and confidentiality of its records and facilities. CFS has already implemented a number of remedial measures to protect its clients and avoid potential future breaches. Furthermore, CFS has retained data security professionals to assist in improving its policies and procedures.

CFS has no information to suggest that any client’s Medicaid number has been fraudulently used. Given the challenges associated with an individual attempting to obtain services using only a Medicaid number, it is unlikely any CFS client who’s file was stolen will experience financial harm. Nevertheless,

Attorney General Delaney

April 22, 2013

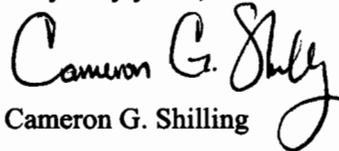
Page 2

out of an abundance of caution, CFS advised the impacted clients to consider taking precautionary measures to protect the integrity of their Medicaid number. CFS provided the affected New Hampshire residents with an Access to Records Request from the New Hampshire Department of Health and Human Services and recommended the client use this form to request records of their Medicaid usage to determine if there is any activity dissociated with their Medicaid number. CFS has offered to pay for any copy charges that the client might incur as a result of the request. CFS also advised the clients to contact the Special Investigations Unit of HHS at (603) 271-9258 to report any suspicious activity.

CFS notified the affected individuals promptly. Soon after the breach was discovered CFS spoke with the impacted individuals by telephone to advise them of the nature of the breach. In addition, within the past week, CFS provided written notice to the affected New Hampshire residents consistent with New Hampshire law related to data breach notification, RSA 359-C:19 *et seq.* A template of that notice is attached. Finally, CFS notified the New Hampshire Department of Health and Human Services and will notify the federal Department of Health and Human Services of this incident

We trust that this letter provides you with all the information required to assess this incident and the adequacy of CFS's response. Please let us know if you have additional questions or if we can be of further assistance. I can be reached at the telephone number and email address provided.

Very truly yours,


Cameron G. Shilling

cc: Child and Family Services

April 11, 2013

Via Certified Mail
New Hampshire Resident
Address

RE: Data Breach Notification

Dear _____:

On March 19, 2013, Child and Family Services (“CFS”) learned that your client file, along with 22 other client files, were taken from a secure area in our offices at 464 Chestnut Street, Manchester, New Hampshire between March 15, 2013 and March 18, 2013. This notice provides written information as a summary of our recent telephone call with you.

CFS takes the privacy of our clients very seriously. The protocols we put in place to protect client files are designed to limit, restrict, and record access to the client files. Once we discovered the theft, CFS immediately launched an investigation into the matter. For example, we reviewed security tapes and information recorded on our restricted access entry system, and notified and filed a report with the Manchester Police Department. Unfortunately, the identity of the person responsible for the theft has not been discovered yet by us or the police department. The police continue their investigation, and we will work with law enforcement to try to identify the responsible party and take appropriate action.

Since learning of the theft, CFS has been actively exploring how to improve the security and confidentiality of our records and facilities. CFS has already implemented a number of remedial measures to protect our clients and avoid potential future breaches. Furthermore, CFS has retained data security professionals to assist in improving our policies and procedures, bolstering training, and further restricting access to our records and facilities.

The information in your file included names, addresses, dates of birth, your Medicaid number, certain health information you provided to CFS, and notes taken by us during home visits. Your file did not contain any social security numbers, bank account numbers, or any other financial account information.

CFS has no information to suggest that your Medicaid number has been fraudulently used and, without possession of your Medicaid card, it would be difficult, but not impossible, to obtain services using only your Medicaid number. Nevertheless, given the manner in which the files were removed from our office, you should consider taking precautionary measures to protect the integrity of your Medicaid number. Enclosed with this letter is an Access to Records Request from the New Hampshire Department of Health and Human Services (“HHS”). CFS recommends that you use this form to request records of your Medicaid usage to determine if there is any activity you do not recognize associated with your Medicaid number. CFS will pay

for any copy charges you might incur as a result of the request. If you discover potential fraudulent use of your Medicaid number, you should contact the Special Investigations Unit of HHS at (603) 271-9258 to report the activity.

We know that this is a significant inconvenience to you, and appreciate your assistance with these security precautions. We can assure you that CFS is doing everything we can to work with law enforcement, data security experts, and our lawyers to catch the responsible person and remedy the situation. If there is anything we can do to assist you please contact me at (603) 518-4141, or 800-640-6486, x4141, or by email at cobbj@cfsnh.org.

Sincerely,

JoAnn Cobb
Program Director