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May 15, 2023

VIA EMAIL

Consumer Protection Bureau
Office of the Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301
DOJ-CPB@doj.nh.gov

RE: Notice of Data Security Incident Relating to New Hampshire Residents

Dear Attorney General Formella:

In accordance with New Hampshire's data breach notification statute (N.H. Rev. Stat. § 359-C:20, as amended), I hereby inform you that around late February and early March 2023, Cycle Express, LLC d/b/a National Powersport Auctions ("NPA") experienced a ransomware attack that resulted in unauthorized access to certain of its systems. Upon discovery, NPA took steps to lock down impacted systems, notified federal law enforcement authorities, and engaged digital forensic experts to determine what happened and what information may have been exposed.

On April 28, 2023, NPA determined that the impacted systems may have contained personal information of approximately 43 residents of New Hampshire, who are business contacts and/or customers of NPA. While the specific data elements vary by individual, the exposed personal information generally includes

. NPA is planning to send out notification letters to affected New Hampshire residents on May 15, 2023. For any New Hampshire residents whose may have been impacted, NPA plans to offer two years of complimentary credit monitoring and identity theft protection services provided by Experian IdentityWorks. See Attachment A.

As part of its ongoing operations and in response to this incident, NPA has deployed advanced security tooling across its network and engaged in tactical security hardening activities, as well as dark web monitoring.

LATHAM & WATKINS LLP

If your office requires any further information regarding this matter, please contact me at

Respectfully submitted,

Clayton Northouse
of LATHAM & WATKINS LLP

Attachments: Attachment A



<<Date>> (Format: Month Day, Year)

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country>>

Re: Notice of Potential Data Security Incident

Dear <<First_Name>> <<Last_Name>>:

We are writing to provide you with information about a cybersecurity incident involving personal information about you. While we have no evidence of identity theft or fraud involving this information, out of an abundance of caution, we are sharing details regarding the incident and providing information that you may find helpful.

What Happened? NPA experienced a cybersecurity incident involving unauthorized access to certain of our systems in late February 2023. Upon discovery, we immediately took steps to lock down impacted systems, notified federal law enforcement, worked with leading outside advisers including a cyber forensics team to investigate the incident, and deployed enhanced 24/7 detection and monitoring technology. Once the incident was contained, we initiated a review to identify whether personal information may have been present in files that were affected during the incident.

What Information is Involved? Our review determined that the potentially exposed files may have contained some personal information about you, including your <<b2b_text_1(name, data elements)>>.

What Are We Doing? As noted above, we promptly took action to lock down our systems, notify federal law enforcement, investigate this incident with a leading cyber forensic team, and deploy enhanced monitoring technologies. As a result of these steps, we were able to quickly recover from this incident to bring our operations back online to be able to host auctions for our customers. We have also been working continuously with our teams of experts to address this incident and take any additional steps needed.

What You Can Do. Though we have no evidence of identity theft or fraud involving your data, it is always good practice as a general precaution to be vigilant against identity theft and fraud by reviewing your account statements and monitoring any available credit reports for unauthorized or suspicious activity, and by taking care in response to any email, telephone or other contacts that ask for personal or sensitive information (e.g., phishing). You may also review the attached *Steps You Can Take to Help Protect Your Information* as a helpful resource.

Out of an abundance of caution, we are also providing for you complimentary credit monitoring and identity protection services for 24 months. These services include Experian IdentityWorksSM. To activate these services, you may follow the instructions included in the attached *Steps You Can Take to Help Protect Your Information*.

For More Information. For further information, please call _____ during the hours of 8:00 am and 5:30 pm CT, excluding major U.S. holidays.

Sincerely,

National Powersport Auctions

Steps You Can Take to Help Protect Personal Information

Enroll in Credit Monitoring and Identity Protection Services

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for 24 months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for 24 months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration.

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary 24-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by** <<b2b_text_6 (activation deadline)>> (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code**: <<Activation Code (S_N)>>

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 1-877-288-8057 by <<b2b_text_6 (activation deadline)>>. Be prepared to provide engagement number <<b2b_text_2(EngagementNumber)>> as proof of eligibility for the Identity Restoration services by Experian.

Additional Details Regarding Your 24-Month Experian IdentityWorks Membership

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.¹
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related 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 Insurance²:** Provides coverage for certain costs and unauthorized electronic fund transfers.

¹ Offline members will be eligible to call for additional reports quarterly after enrolling.

² 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 jurisdictions.

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 with the credit reporting bureau. 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, free of charge, 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, military identification, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency filed by you 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 |
| 888-298-0045 | 1-888-397-3742 | 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

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 for you to file a police report 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 California residents, the California Office of Privacy Protection (www.oag.ca.gov/privacy) may be contacted for additional information on protection against identity theft. The California Attorney General can be contacted at 1300 I Street, Sacramento, CA 95814, www.oag.ca.gov, 800-952-5225.

For Maryland residents, the Maryland Attorney General can be contacted at 200 St. Paul Place, Baltimore, MD 21202, www.marylandattorneygeneral.gov, 888-743-0023.

For North Carolina residents, the North Carolina Attorney General can be contacted at Mail Service Center 9001, Raleigh, NC 27699, www.ncdoj.gov, 877-566-7226.

For Rhode Island residents, the Rhode Island Attorney General can be contacted at 150 South Main Street, Providence, RI 02903, www.riag.ri.gov, 401-274-4400. You have the right to file or obtain a police report regarding this incident.

For District of Columbia residents, the District of Columbia Attorney General can be contacted at 400 6th Street NW, Washington, DC 20001, www.oag.dc.gov, 202-727-3400.

For Iowa residents, the Iowa Attorney General can be contacted at 1305 E. Walnut Street, Des Moines, Iowa 50319, www.iowaattorneygeneral.gov, 515-281-5926 or 888-777-4590.

For New York residents, the New York Attorney General may be contacted at the Capital, Albany, NY 12224, www.ag.ny.gov, 800-771-7755.

For Oregon residents, the Oregon Attorney General may be reached at 1162 Court Street NE, Salem, OR 97301, www.doj.state.or.us, 503-378-6002.

For South Carolina residents, the South Carolina Department of Consumer Affairs may be reached at 293 Greystone Blvd., Ste. 400, Columbia, SC 29210, www.consumer.sc.gov, 800-922-1594.

For Kentucky residents, the Kentucky Attorney General may be contacted at 700 Capital Avenue, Suite 118, Frankfort, KY 40601, www.ag.ky.gov, 502-696-5300.

For Massachusetts residents, you have the right to obtain a police report regarding 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.

For New Mexico residents, you have the right to obtain a police report regarding 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. 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, or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.