



MULLEN
COUGHLIN_{LLC}
ATTORNEYS AT LAW

RECEIVED
JUN 10 2019
CONSUMER PROTECTION

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June 7, 2019

INTENDED FOR ADDRESSEE(S) ONLY

VIA U.S. MAIL

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

Re: Notice of Data Event

Dear Attorney General MacDonald:

We represent Darwin's Natural Pet Products, 350 Treck Drive, Tukwila, Washington, 98188, and write to provide notice to your office of an incident that may affect the security of personal information relating to certain New Hampshire residents. This notice may be supplemented if significant facts are learned subsequent to its submission. By providing this notice, Darwin's Natural Pet Products ("Darwin's") does not waive any rights or defenses regarding the applicability of New Hampshire law, the New Hampshire data event notification statute, or personal jurisdiction.

Nature of the Data Event

On or about March 8, 2019, Darwin's was made aware that some credit cards used on its online new customer platform were potentially compromised. Darwin's immediately launched an investigation, with the assistance of a third-party forensic firm, to determine the nature and scope of the compromise. On or about May 2, 2019, the forensic investigation determined that customer credit and debit card information for transactions that occurred on Darwin's new customer sign up page between September 27, 2016 to March 16, 2019 may have been subject to unauthorized access and/or acquisition.

Darwin's has no evidence of fraudulent misuse of this information. The types of personal information potentially impacted in relation to this incident include the following: name, credit or debit card number, expiration date, and card security code or CVV.

Notice to New Hampshire Residents

On June 7, 2019, Darwin's began mailing written notice of this incident to the affected individuals, including one hundred seven (107) New Hampshire residents. Written notice will be provided in substantially the same form as the letter attached hereto as *Exhibit A*.

Other Steps Taken and to Be Taken

Darwin's is providing potentially impacted individuals with guidance on how to better protect against identity theft and fraud, including 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 identity theft and fraud 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. Darwin's is working with law enforcement regarding this incident, and is also notifying other state regulators, as required.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at 267-930-4798.

Very truly yours,



James E. Prendergast of
MULLEN COUGHLIN LLC

JEP:hpf
Enclosure

EXHIBIT A

DARWIN'S

Natural Pet Products

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 Breach

Dear <<Name 1>>:

Darwin's Natural Pet Products ("Darwin's") recently discovered that customer credit and debit card data may have been compromised on our website, and that this incident may have affected the security of your personal information. This incident affected credit and debit card information entered into our new customer sign up. We take this incident seriously and are providing you with information and access to resources so that you can protect your personal information, should you feel it is appropriate to do so.

What Happened? On or about March 8 2019, Darwin's was made aware that some credit cards used on its online new customer platform were potentially compromised. Darwin's immediately launched an investigation, with the assistance of a third-party forensic firm, to determine the nature and scope of the compromise. On or about May 7, 2019, the forensic investigation determined that customer credit and debit card information for transactions that occurred on Darwin's new customer check out page between September 27, 2016, and March 16, 2019, may have been subject to unauthorized access and/or acquisition. Darwin's is notifying you because we have confirmed that your credit or debit card was used for a transaction on our website during the relevant time period, and your information may be affected.

What Information Was Involved? The information potentially affected includes your name, credit or debit card number, expiration date, and card security code number or CVV.

What We Are Doing. We take the security of personal information in our care seriously. We have security measures in place to protect the data on our systems and we are working to implement additional safeguards and training to our employees to safeguard the privacy and security of information in our care. This incident has been reported to your credit card company, and we will be reporting this incident to certain state regulators as required.

What You Can Do. Please review the enclosed "Steps You Can Take to Protect Your Information." In addition, we advise you to promptly report any suspected fraud to your credit card company and/or bank, as well as your local law enforcement and/or state Attorney General.

For More Information. We understand that you may have questions that are not addressed in this notice. If you have additional questions or concerns, please call our toll-free dedicated assistance line at (877) 202-9608. This toll-free line is available Monday through Friday from 9:00 am to 9:00 pm ET, excluding major national holidays.

We apologize for any inconvenience or concern this incident causes you.

Sincerely,



Gary Tashjian
President

Steps You Can Take to Protect Your Information

We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity. Under U.S. law, you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

You have the right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security 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 security 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 security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

Experian
PO Box 9554
Allen, TX 75013
1-888-397-3742

www.experian.com/freeze/center.html

TransUnion
P.O. Box 2000
Chester, PA 19016
1-888-909-8872

www.transunion.com/credit-freeze

Equifax
PO Box 105788
Atlanta, GA 30348-5788
1-800-685-1111

www.equifax.com/personal/credit-report-services

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

As an alternative to a security freeze, you have the right to place an initial or extended “fraud alert” on your 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 agencies listed below:

Experian
P.O. Box 2002
Allen, TX 75013
1-888-397-3742

www.experian.com/fraud/center.html

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

www.transunion.com/fraud-victim-resource/place-fraud-alert

Equifax
P.O. Box 105069
Atlanta, GA 30348
1-888-766-0008

www.equifax.com/personal/credit-report-services

Although we have no reason to believe that your personal information has been used to file fraudulent tax returns, you can contact the IRS at www.irs.gov/Individuals/Identity-Protection for helpful information and guidance on steps you can take to address a fraudulent tax return filed in your name and what to do if you become the victim of such fraud. You can also visit www.irs.gov/uac/Taxpayer-Guide-to-Identity-Theft for more information.

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting the consumer reporting agencies, the Federal Trade Commission, or your state Attorney General.

The Federal Trade Commission can be reached at 600 Pennsylvania Avenue NW, Washington, DC 20580, www.identitytheft.gov, 1-877-ID-THEFT (1-877-438-4338); 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 North Carolina residents, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226 or 1-919-716-6400, www.oag.state.md.us.

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 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 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 Maryland residents, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-888-743-0023, www.oag.state.md.us.