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MAY 31 2022

CONSUMER PROTECTION

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May 25, 2022

**Via First Class Mail**

Office of Attorney General  
33 Capitol Street  
Concord, New Hampshire 03302

***RE: Security Incident Notification***

To Whom It May Concern:

I serve as counsel for Deep Foundations Institute, Inc. ("DFI"), located at 326 Lafayette Avenue, Hawthorne NJ 07506 and provide this notification to you of a recent data security incident. By providing this notice, DFI does not waive any rights or defenses under New Hampshire law, including the data breach notification statute.

On April 27, 2022, DFI was notified by a third-party organization that it had discovered and removed suspicious code in its software that may have been intended to obtain credit and/or debit card data. Upon learning of this incident, DFI immediately requested additional information from the organization, as well as a full list of potentially impacted members. At the time of notifying DFI of this incident, the third-party vendor confirmed that the suspicious code was removed, that its payment collection software was safe to use, and that the company had implemented additional security measures to prevent similar occurrences from taking place in the future. While the third-party organization's investigation into this matter remains ongoing, DFI has determined that information related to its members may have been impacted by this event. As such, DFI is providing notification to those individuals in an abundance of caution.

On May 6, 2022, DFI discovered that one (1) resident of New Hampshire whose names and credit/debit card information may have been impacted by this incident. As the investigation is ongoing, we will provide supplemental notification should we determine additional residents of New Hampshire are potentially affected.

DFI provided notice to the potentially impacted individuals via First Class Mail on May 24, 2022, and is offering the affected New Hampshire resident complimentary credit monitoring for 12 months. A copy of the draft notification letter is attached as ***Exhibit A***. The letter outlines the incident and provides potentially affected individuals with additional resources to protect their

identity and monitor their credit history and personal accounts. Notably, DFI is offering credit monitoring services at DFI's expense. Additionally, DFI is taking proactive steps to ensure that all state and federal notification obligations are complied with due to this incident.

Please contact me should you have any questions.

Very truly yours,

CIPRIANI & WERNER, P.C.

John Loyal, Esquire

## **EXHIBIT A**



Return Mail Processing  
PO Box 589  
Claysburg, PA 16625-0589

May 24, 2022

H9221-L01-0000001 T00001 P001 \*\*\*\*\*SCH 5-DIGIT 12345



SAMPLE A SAMPLE - L01 GENERAL  
APT ABC  
123 ANY STREET  
ANYTOWN, ST 12345-6789



**RE: Important Security Notification. Please read this entire letter.**

Dear Sample A. Sample:

Deep Foundations Institute, Inc. ("DFI") writes to notify you of a recent incident experienced by a third-party vendor that hosts certain DFI data. Specifically, this third-party organization provides DFI with membership and events software that assists DFI with application enrollment and renewal, conference registration, and the collection of payments from DFI members or others affiliated with DFI.

**What Happened:**

On April 27, 2022, DFI was notified by this third-party organization that it had discovered and removed suspicious code in its software that may have been intended to obtain credit and/or debit card data. Upon learning of this incident, DFI immediately requested additional information from the organization, as well as a full list of potentially impacted members. At the time of notifying DFI of this incident, our third-party vendor confirmed that the suspicious code was removed, that its payment collection software was safe to use, and that the company had implemented additional security measures to prevent similar occurrences from taking place in the future. While the third-party organization's investigation into this matter remains ongoing, DFI has determined that your information may have been impacted by this event. We are providing this notification to you in an abundance of caution and so that you may take steps to safeguard your information if you feel it is necessary to do so.

**What Information Was Involved:**

The potentially impacted information may have included your first and last name, in combination with your credit/debit card number with a CVV and expiration date.

**What We Are Doing:**

Notably, this incident did not take place on DFI's network and we have been ensured that enhanced security measures have now been implemented to prevent a similar incident from occurring in the future. However, DFI has taken steps to address the incident and is committed to protecting the personal information that has been provided to us. Specifically, upon learning of this incident, DFI immediately began working with the impacted organization in order to notify potentially impacted individuals as quickly as possible.

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### **Credit Monitoring**

To help protect your identity, we are offering a complimentary [Extra2] month membership of Experian's® IdentityWorks<sup>SM</sup>. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information please follow the steps below:

- Ensure that you **enroll by: August 31, 2022** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at (833) 675-2188 by **August 31, 2022**. Be prepared to provide engagement number **ENGAGE#** as proof of eligibility for the identity restoration services by Experian.

### **What You Can Do:**

In addition to enrolling in the complimentary credit monitoring service detailed within, we recommend that you remain vigilant in regularly reviewing and monitoring all of your account statements and credit history to guard against any unauthorized transactions or activity. If you discover any suspicious or unusual activity on any of your accounts, please promptly change your password and take additional steps to protect your account, and notify your financial institution or company if applicable. Additionally, please report any suspicious incidents to local law enforcement and/or your State Attorney General. We have provided additional information below, which contains more information about steps you can take to help protect yourself against fraud and identity theft.

### **For More Information:**

Should you have questions or concerns regarding this matter, please do not hesitate to contact Experian at (833) 675-2188, or write us at 326 Lafayette Avenue, Hawthorne, NJ 07506 USA.

We take the security of our employee's information very seriously. While it is regrettable this potential exposure occurred, please be assured we are taking appropriate actions to rectify the situation and prevent such incidents in the future.

Sincerely,

**Theresa Engler**  
**Executive Director**



## STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

### Additional Details Regarding Your 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.\*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration agents 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.
- **Up to \$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

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

\*\* 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.

If you believe there was fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at (833) 675-2188. 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 (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 this Identity Restoration support is available to you for [Extra2] 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](http://www.ExperianIDWorks.com/restoration). You will also find self-help tips and information about identity protection at this site.

### Monitor Your Accounts

We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your credit reports/account statements and explanation of benefits forms for suspicious activity and to detect errors. Under U.S. law, you are entitled to one free credit report annually from each of the three major credit reporting bureaus, TransUnion, Experian, and Equifax. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228. Once you receive your credit report, review it for discrepancies and identify any accounts you did not open or inquiries from creditors that you did not authorize. If you have questions or notice incorrect information, contact the credit reporting bureau.

You have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a one-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert, 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 lasting seven years. Should you wish to place a fraud alert, please contact any of the three credit reporting bureaus listed below.

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As an alternative to a fraud alert, you 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 your 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 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., III, etc.);
2. Social Security number;
3. Date of birth;
4. Address for the prior two to five years;
5. Proof of current address, such as a current utility or telephone bill;
6. A legible photocopy of a government-issued identification card (e.g., state driver's license or identification card); 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:

<b>TransUnion</b> 1-800-680-7289 <a href="http://www.transunion.com">www.transunion.com</a>	<b>Experian</b> 1-888-397-3742 <a href="http://www.experian.com">www.experian.com</a>	<b>Equifax</b> 1-888-298-0045 <a href="http://www.equifax.com">www.equifax.com</a>
<b>TransUnion Fraud Alert</b> P.O. Box 2000 Chester, PA 19016-2000	<b>Experian Fraud Alert</b> P.O. Box 9554 Allen, TX 75013	<b>Equifax Fraud Alert</b> P.O. Box 105069 Atlanta, GA 30348-5069
<b>TransUnion Credit Freeze</b> P.O. Box 160 Woodlyn, PA 19094	<b>Experian Credit Freeze</b> P.O. Box 9554 Allen, TX 75013	<b>Equifax Credit Freeze</b> P.O. Box 105788 Atlanta, GA 30348-5788

#### **Additional Information**

You can further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the credit reporting bureaus, the Federal Trade Commission (FTC), or your state Attorney General. The FTC also encourages those who discover that their information has been misused to file a complaint with them. The FTC may be reached at 600 Pennsylvania Ave. NW, Washington, D.C. 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261.

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, your state Attorney General, and the FTC. This notice has not been delayed by law enforcement.

*For Maryland residents*, the Maryland Attorney General may be contacted at 200 St. Paul Place, 16<sup>th</sup> Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and [www.oag.state.md.us](http://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: (i) the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; (ii) the consumer reporting agencies may not report outdated negative information; (iii) access to your file is limited; (iv) you must give consent for credit reports to be provided to employers; (v)

you may limit "prescreened" offers of credit and insurance you get based on information in your credit report; (vi) and you may seek damages from violators. 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 [https://files.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](https://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf), or by writing Consumer Response Center, Room 130-A, FTC, 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](http://www.ncdoj.gov).

*For Rhode Island residents*, the Rhode Island Attorney General may be contacted at 150 South Main Street, Providence, RI 02903; 1-401-274-4400; and [www.riag.ri.gov](http://www.riag.ri.gov). Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 3 Rhode Island residents impacted by this incident.

*For Washington, D.C. residents*, the District of Columbia Attorney General may be contacted at 441 4<sup>th</sup> Street NW #1100, Washington, D.C. 20001; 202-727-3400, and <https://oag.dc.gov/consumer-protection>.

