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Boston, MA 02111  
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June 20, 2019

Attorney General Gordon J. MacDonald  
Office of the New Hampshire Attorney General  
Attn: Security Incident Notification  
33 Capitol Street  
Concord, NH 03301

RECEIVED  
JUN 24 2019  
CONSUMER PROTECTION

Re: Security Incident Notification Pursuant to N.H. Rev. Stat. § 359-C:20

Dear Attorney General MacDonald:

This law firm represents Delaware Life Insurance Company ("Delaware Life") and writes to inform your office of an incident that may affect the security of personal information relating to 107 New Hampshire residents who own(ed) pension policies or individual annuity contracts issued by Delaware Life. By providing this notice, Delaware Life does not waive any rights or defenses regarding the applicability of New Hampshire law or personal jurisdiction.

Delaware Life retained the services of Donnelley Financial Solutions ("DFIN") (formerly part of R.R. Donnelley & Sons Company) to produce a mailing that was sent to certain of Delaware Life's customers. DFIN manages mailings for thousands of companies worldwide, including 95% of the Fortune 100. DFIN subcontracted the work to its affiliate Mediant Communications, Inc. ("Mediant"), to provide business communication services to Delaware Life. On May 20, 2019, Mediant informed Delaware Life that on April 1, 2019, an unknown malicious party obtained unauthorized access to four Mediant business email accounts by exploiting a vulnerability in the third-party email software used by Mediant. According to Mediant, on that same day, following the discovery of the unauthorized access, Mediant disconnected the affected email server from its system and commenced an investigation to understand the nature and scope of the incident. Mediant reported to Delaware Life that on April 16, 2019, its investigation revealed the potential disclosure of consumer personal information. According to Mediant, as of April 16, it launched a complete review of the affected email accounts, which included a time-consuming manual review of the contents. As of May 20, Mediant was able to finalize the identification of the specific consumers affected and their resident state and, at that point, confirmed that personal information of certain of Delaware Life's customers was accessed by the malicious party. This incident did not impact Delaware Life's electronic systems or network.

Delaware Life has determined that, of the 107 impacted New Hampshire residents, 71 had the following types of information included in the compromised Mediant mailboxes: name, address, date of birth, Social Security number/tax identification number, account/policy number; and distribution information. A smaller subset (36) had name, address, date of birth, account/policy number, and distribution information included in the compromised Mediant mailboxes.

Mediant reported to Delaware Life that it engaged digital forensics firm Ankura Consulting Group to investigate the incident. According to Mediant, the forensics firm confirmed that the incident was the result of a vulnerability in the third-party email software used by Mediant, and confirmed that there was no lateral movement by the attackers to other systems in Mediant's environment. Mediant has

**MINTZ**

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reported the matter to the Federal Bureau of Investigation but is not aware of a pending investigation at this time. Mediant informs Delaware Life that it has also taken steps to strengthen the security of its systems - such as remediating the vulnerability in the current email system, implementing targeted network access restrictions, updating networking monitoring systems, requiring affected employees to change their passwords, and accelerating planned improvements to its email system - and will take further steps as appropriate to safeguard such information.

Delaware Life is not aware of any misuse of personal information of its impacted New Hampshire customers at this time. Delaware Life sent the attached notices to impacted New Hampshire customers on June 19, 2019. For the convenience of Delaware Life's impacted customers, Mediant has arranged to make credit monitoring and identity protection services available to them at no cost for two (2) years.

Please contact the undersigned at [cjlarose@mintz.com](mailto:cjlarose@mintz.com) or 617-348-1732 should you need further information or have any additional questions.

Sincerely,

A handwritten signature in black ink that reads 'Cynthia J. Larose'. The signature is written in a cursive style with a large, looping 'C' and 'L'.

Cynthia J. Larose  
Member

Attachments

Delaware Life Insurance Company  
Return Mail Processing  
P.O. Box 589  
Claysburg, PA 16625-0589



<<Name>>  
<<Address>>  
<<City>><<State>><<Zip>>  
<<Country>>

<<Date>>

## Notice of Data Breach

Dear <<Name>>,

We write to inform you of an incident involving certain personal information you have provided to Delaware Life Insurance Company (“Delaware Life”). Based on our current review as described further below, we have no indication that any such information has been used inappropriately. We want to provide you with information about the incident and with the attached additional information that you may find helpful.

**What Happened?** Delaware Life retained a mailing services vendor that subcontracted work to its affiliate, Mediant Communications (“Mediant”).

Mediant informed Delaware Life on May 20, 2019, that the previous month on April 1, a malicious party had obtained access to certain Mediant business email accounts containing your personal information. Following the discovery of this issue on April 1, the affected email server was disconnected from Mediant’s system, and an investigation was commenced to understand the nature and scope of the incident and, in particular, whose information may have been compromised. As of May 20, Mediant determined that your personal information was among the information potentially impacted, and notified Delaware Life.

Delaware Life reviewed the transactions that occurred in your account from April 1 through the date of this letter and did not identify any suspicious activity. If you ever have questions or concerns about your account at any time, you can always feel free to contact our Customer Service Center (800-477-6545, option 2).

**What Information Was Involved?** The following personal information may have been involved in the incident: your name, address, contract number, date of birth, and Social Security number or taxpayer identification number.

**What We Are Doing.** We are taking this incident very seriously. Mediant has informed us that it has taken steps to strengthen its protection of personal information, including updating its network security controls and email system, and it will continue to closely monitor and take further steps as appropriate to safeguard such information. Mediant has reported the matter to law enforcement and will cooperate in any investigation that may commence. We have not delayed this notice in the interim.

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Claysburg, PA 16625-0589



In addition, Mediant is offering credit monitoring and identity restoration services by Experian IdentityWorks for a period of 24 months from the date of this letter at no cost to you. Mediant is offering these services to comply with law and, in states where laws do not require that such services be provided, Mediant has agreed to provide them to treat all of our customers equally regardless of state of residence. To activate these services:

- Ensure that you enroll by: **June \_\_\_\_, 2020** (Your activation code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: [www.experianidworks.com/credit](http://www.experianidworks.com/credit)
- Provide your activation code: <<activation code>>

If you have questions about the Experian IdentityWorks program, need assistance with credit monitoring or identity protection, or would like an *alternative to enrolling* in Experian IdentityWorks online, please contact Experian's customer care team at **866-362-1769** by June \_\_\_\_, 2020. Please be prepared to provide engagement number [REDACTED] proof of eligibility for the Experian IdentityWorks program (please note that this "engagement number" is a different number from your "activation code"). Additional information about the Experian IdentityWorks program is enclosed.

**What You Can Do.** Although we have not identified any suspicious activity pertaining to your Delaware Life account, and have not received any reports of misuse of your information, it is always a good practice to be vigilant and closely review and monitor your financial accounts, statements, credit reports and other financial information for any evidence of unusual activity, fraudulent charges, or signs of identity theft. Please review the attached "Additional Information" that may be helpful to you.

**For More Information.** If you have any questions regarding the Experian IdentityWorks program, please contact Experian's customer care team at 866-362-1769 between the hours of 9:00am – 5:00pm PST Monday through Friday. If you have questions about your Delaware Life account, please contact our Customer Service Center at 800-477-6545, option 2.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Termine". The signature is written in a cursive, flowing style.

Richard A. Termine  
Vice President, Operations and Service, Delaware Life

Delaware Life Insurance Company  
Return Mail Processing  
P.O. Box 589  
Claysburg, PA 16625-0589



### **Additional Information about Credit Monitoring and Identity Restoration Services**

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.

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 866-362-1769. 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 two years 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.

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

\*\* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

## ADDITIONAL INFORMATION

**Contact information for the three nationwide credit reporting companies is as follows:**

**Equifax**, P.O. Box 105788, Atlanta, Georgia 30348, 1-877-478-7625, [www.equifax.com](http://www.equifax.com)

**Experian**, P.O. Box 2002, Allen, TX 75013, 1-888-397-3742, [www.experian.com](http://www.experian.com)

**TransUnion**, P.O. Box 2000, Chester, PA 19016, 1-800-680-7289, [www.transunion.com](http://www.transunion.com)

The following information reflects recommendations from the Federal Trade Commission regarding identity theft protection.

**Free Credit Report.** It is always a good practice to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. 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, Georgia 30348-5281.

**For Colorado, Georgia, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont Residents:** You may obtain one or more 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 on your credit 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. Pursuant to federal and state laws, you may place a fraud alert on your credit file free of charge.

**For Colorado and Illinois Residents.** You may obtain additional information from the credit reporting agencies and the FTC about fraud alerts.

**Security Freeze.** You have the right to put a security freeze on your credit file, so that no new credit can be opened in your name without the use of a PIN that is issued to you when you initiate a freeze. If you place a security freeze on your credit file, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a security freeze may delay your ability to obtain credit. *Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit reporting agency.* Federal and state laws prohibit charges for placing, temporarily lifting, or removing a security freeze.

The following information must be included when requesting a security freeze (note that if you are requesting a security freeze for your spouse, this information must be provided for your spouse 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 (5) years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-

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issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue.

**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 Ave. N.W., Washington, D.C. 20580, [www.ftc.gov/bcp/edu/microsites/idtheft](http://www.ftc.gov/bcp/edu/microsites/idtheft), 1-877-IDTHEFT (438-4338).

**For Maryland Residents:** You may contact the Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, [www.oag.state.md.us](http://www.oag.state.md.us), 1-888-743-0023

**For North Carolina Residents:** You may contact the North Carolina Office of the Attorney General, Consumer Protection Division, 90001 Mail Service Center, Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), 1-877-566-7226

**For Rhode Island Residents:** You may contact the Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, [www.riag.ri.gov](http://www.riag.ri.gov), 1-401-274-4400

**Reporting of identity theft and obtaining a police report.** You have the right to obtain any police report filed in the United States in regard to this incident. If you are the victim of fraud or identity theft, you also have the right to file a police report.

**For Iowa Residents:** You are advised to report any suspected identity theft to law enforcement or to the Iowa Attorney General.

**For Massachusetts Residents:** You have the right to obtain a police report if you are a victim of identity theft. You also have the right to file a police report and obtain a copy of it.

**For Oregon Residents:** You are advised to report any suspected identity theft to law enforcement, the Federal Trade Commission, and the Oregon Attorney General.

**For Rhode Island Residents:** You have the right to file or obtain a police report regarding this incident.

Delaware Life Insurance Company of New York  
Return Mail Processing  
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Claysburg, PA 16625-0589



<<Name>>  
<<Address>>  
<<City>><<State>><<Zip>>  
<<Country>>

<<Date>>

## Notice of Data Breach

Dear <<Name>>,

We write to inform you of an incident involving certain personal information you have provided to Delaware Life Insurance Company of New York (“Delaware Life”). Based on our current review, we have no indication that any such information has been used inappropriately. We want to provide you with information about the incident and with the attached additional information that you may find helpful.

**What Happened?** Delaware Life retained a mailing services vendor that subcontracted work to its affiliate, Mediant Communications (“Mediant”).

Mediant informed Delaware Life on May 20, 2019, that the previous month on April 1, a malicious party obtained access to certain Mediant business email accounts containing your personal information. Following the discovery of this issue on April 1, the affected email server was disconnected from Mediant’s system, and an investigation was commenced to understand the nature and scope of the incident and, in particular, whose information may have been compromised. As of May 20, Mediant determined that your personal information was among the information potentially impacted, and notified Delaware Life.

Delaware Life has reviewed the transactions that occurred in your account from April 1 through the date of this letter and did not identify any suspicious activity. If you ever have questions or concerns about your account at any time, you can always feel free to contact our Customer Service Center (800-477-6545, option 2).

**What Information Was Involved?** The following personal information may have been involved in the incident: your name, address, and contract number.

**What We Are Doing.** We are taking this incident very seriously. Mediant has informed us that it has taken steps to strengthen its protection of personal information, including updating its network security controls and email system, and it will continue to closely monitor and take further steps as appropriate to safeguard such information. Mediant has reported the matter to law enforcement and will cooperate in any investigation that may commence. We have not delayed this notice in the interim.

In addition, Mediant is offering credit monitoring and identity restoration services by Experian IdentityWorks for a period of 24 months from the date of this letter at no cost to you. Mediant is offering these services to comply with law and, in states where laws do not require that such services be provided, Mediant has agreed to provide them to treat all of our customers equally regardless of state of residence. To activate these services:

Delaware Life Insurance Company of New York is authorized to transact business in New York and Rhode Island and is a member of Group One Thousand One.

Delaware Life Insurance Company of New York  
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Claysburg, PA 16625-0589



- Ensure that you enroll by: **June \_\_\_\_, 2020** (Your activation code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: [www.experianidworks.com/credit](http://www.experianidworks.com/credit)
- Provide your activation code: <<activation code>>

If you have questions about the Experian IdentityWorks program, need assistance with credit monitoring or identity protection, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at **866-362-1769** by **June \_\_\_\_, 2020**. Please be prepared to provide engagement number [REDACTED] as proof of eligibility for the Experian IdentityWorks program (please note that this "engagement number" is a different number from your "activation code"). Additional information about the Experian IdentityWorks program is enclosed.

**What You Can Do.** Although we have not identified any suspicious activity pertaining to your Delaware Life account, and have not received any reports of misuse of your information, it is always a good practice to be vigilant and closely review and monitor your financial accounts, statements, credit reports and other financial information for any evidence of unusual activity, fraudulent charges, or signs of identity theft. Please review the attached "Additional Information" that may be helpful to you.

**For More Information.** If you have any questions regarding the Experian IdentityWorks program, please contact Experian's customer care team at 866-362-1769 between the hours of 9:00am – 5:00pm PST Monday through Friday. If you have questions about your Delaware Life account, please contact our Customer Service Center at 800-477-6545, option 2.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Termine". The signature is written in a cursive style with a large, stylized initial "R".

Richard A. Termine  
Vice President, Operations and Service, Delaware Life



### **Additional Information About Credit Monitoring and Identity Restoration Services**

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.\*
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- **Up to \$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

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 866-362-1769. 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 two years 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.

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

\*\* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

Delaware Life Insurance Company of New York  
Return Mail Processing  
P.O. Box 589  
Claysburg, PA 16625-0589



## ADDITIONAL INFORMATION

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**TransUnion**, P.O. Box 2000, Chester, PA 19016, 1-800-680-7289, [www.transunion.com](http://www.transunion.com)

The following information reflects recommendations from the Federal Trade Commission regarding identity theft protection.

**Free Credit Report.** It is always a good practice to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. 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, Georgia 30348-5281.

**For Colorado, Georgia, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont Residents:** You may obtain one or more 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 on your credit 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. Pursuant to federal and state laws, you may place a fraud alert on your credit file free of charge.

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**Security Freeze.** You have the right to put a security freeze on your credit file, so that no new credit can be opened in your name without the use of a PIN that is issued to you when you initiate a freeze. If you place a security freeze on your credit file, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a security freeze may delay your ability to obtain credit. *Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit reporting agency.* Federal and state laws prohibit charges for placing, temporarily lifting, or removing a security freeze.

The following information must be included when requesting a security freeze (note that if you are requesting a security freeze for your spouse, this information must be provided for your spouse 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 (5) years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue.

Delaware Life Insurance Company of New York is authorized to transact business in New York and Rhode Island and is a member of Group One Thousand One.

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**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 Ave. N.W., Washington, D.C. 20580, [www.ftc.gov/bcp/edu/microsites/idtheft](http://www.ftc.gov/bcp/edu/microsites/idtheft), 1-877-IDTHEFT (438-4338).

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**For Rhode Island Residents:** You may contact the Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, [www.riag.ri.gov](http://www.riag.ri.gov), 1-401-274-4400

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