

# BakerHostetler

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July 24, 2020

### **VIA EMAIL (ATTORNEYGENERAL@DOJ.NH.GOV)**

Attorney General Gordon MacDonald  
New Hampshire Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

*Re: Incident Notification*

Dear Attorney General MacDonald:

We are writing on behalf of our client, Dynavax Technologies Corporation (“Dynavax”), to notify you of a security incident involving two New Hampshire residents.<sup>1</sup>

Dynavax’s ongoing investigation into a phishing email incident recently determined that an unauthorized individual gained access to a Dynavax employee’s email account for a brief period of time on February 28, 2020. Upon identifying the incident, Dynavax immediately secured the account and a leading computer forensic firm was engaged to assist with the investigation. A review of available data showed no further unauthorized access to the account occurred. The investigation was unable to determine which emails and/or attachments were viewed or acquired by the unauthorized person, if any. Out of an abundance of caution, Dynavax manually reviewed the emails and attachments contained in the employee’s email account to identify personal information that may have been accessible to the unauthorized person. As a result of that review, Dynavax identified the names and Social Security numbers of two New Hampshire residents.

On July 24, 2020, Dynavax will begin mailing notification letters to the New Hampshire residents in substantially the same form as the enclosed letter via U.S. First-Class mail in accordance with N.H. Rev. Stat. § 359-C:20(a). Dynavax is offering the individuals a complimentary, one-year membership to credit monitoring and identity theft protection services. Dynavax has also established a dedicated, toll-free call center where individuals may obtain more information regarding the incident.

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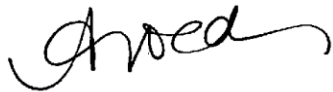
<sup>1</sup> This notice does not waive Dynavax’s objection that New Hampshire lacks personal jurisdiction over it regarding any claims related to this incident.

Attorney General MacDonald  
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To help prevent a similar incident in the future, Dynavax changed the credentials for the account and has taken steps to further increase security and protect its systems.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Vold", with a stylized flourish at the end.

Aleksandra M. Vold

Enclosure

DYN/VAX

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

July 24, 2020



F6629-L01-0000001 T00001 \*\*\*\*\*SINGLE PIECE  
SAMPLE A SAMPLE - L01 ADULT CM  
123 ANY ST  
ANYTOWN, US 12345-6789



Dear Sample A Sample:

Dynavax Technologies Corporation (“Dynavax”) take the privacy and security of personal information very seriously. Regrettably, we are writing to inform you that we recently identified and addressed a security incident that may have involved some of your information. This notice explains the incident, outlines the measures we have taken in response, and steps you can take.

Our ongoing investigation into a phishing email incident recently determined that an unauthorized individual gained access to a Dynavax employee’s email account for a brief period of time on February 28, 2020. Upon identifying the incident, we immediately secured the account and a leading computer forensic firm was engaged to assist with our investigation. A review of available data shows no further unauthorized access to the account occurred. While we have identified employee information in the email account, our investigation has not shown that the unauthorized person stole or misused or attempted to misuse any personal information from the account. Out of an abundance of caution, we manually reviewed the emails and attachments contained in the employee’s email account to identify personal information that may have been accessible to the unauthorized person. As a result of that review, we identified emails and/or attachments that may have included your Extra 1.

Again, there is no evidence that any of your information was actually viewed by the unauthorized person, or that it has been misused. However, we wanted to notify you of this incident and assure you we take this very seriously. As a precaution, we are offering a complimentary one-year membership of Experian’s® IdentityWorks<sup>SM</sup> Credit 3B. This product helps detect possible misuse of your personal information and provides identity protection services focused on identification and resolution of identity theft. IdentityWorks<sup>SM</sup> Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. For more information on identity theft prevention and IdentityWorks<sup>SM</sup> Credit 3B, including instructions on how to activate the complimentary one-year membership, please see the additional information provided with this letter.

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Dynavax is committed in its efforts to maintain the privacy of employee information, and we apologize for any concern or inconvenience this incident may cause. In addition to changing the credentials for the account, we have taken steps to further increase security and protect our systems. Should you have any further questions, please call 1-(855) 896-4451, Monday through Friday, from 6am – 8pm Pacific Time, Sat/Sun 8am – 5pm Pacific Time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Coon". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Coon".

Jeff Coon  
SVP, Human Resources

## Activate IdentityWorks Credit 3B Now in Three Easy Steps

1. Ensure that you **enroll** by: **October 31<sup>st</sup>, 2020** (Your code will not work after this date.)
2. Visit the **Experian IdentityWorks website** to enroll: **www.experianidworks.com/3bcredit**
3. 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 1-(855) 896-4451 by **10/31/2020**. Be prepared to provide engagement number **ENGAGE#** as proof of eligibility for the identity restoration services by Experian.

### ADDITIONAL DETAILS REGARDING YOUR 12-MONTH EXPERIAN IDENTITYWORKS CREDIT 3B MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks Credit 3B.

You can contact Experian **immediately without needing to enroll in the product** regarding any fraud issues. Identity Restoration specialists are available to help you address credit and non-credit related fraud.

Once you enroll in Experian IdentityWorks, you will have access to the following additional features:

- **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, Equifax and Transunion files 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.
- **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 **877-890-9332**. 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 one year 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.

\*\* 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.

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## **ADDITIONAL STEPS YOU CAN TAKE**

We remind you it is always advisable 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. Contact information for the three nationwide credit reporting companies is as follows:

- *Equifax*, PO Box 740241, Atlanta, GA 30374, [www.equifax.com](http://www.equifax.com), 1-800-685-1111
- *Experian*, PO Box 2002, Allen, TX 75013, [www.experian.com](http://www.experian.com), 1-888-397-3742
- *TransUnion*, PO Box 2000, Chester, PA 19016, [www.transunion.com](http://www.transunion.com), 1-800-916-8800

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 state. You can obtain information from these sources about steps an individual can take to avoid identity theft as well as information about fraud alerts and security freezes. You should also contact your local law enforcement authorities and file a police report. Obtain a copy of the police report in case you are asked to provide copies to creditors to correct your records. Contact information for the Federal Trade Commission is as follows:

- *Federal Trade Commission*, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580, 1-877-IDTHEFT (438-4338), [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)

### ***Fraud Alerts and Credit or Security Freezes:***

**Fraud Alerts:** There are two types of general fraud alerts you can place on your credit report to put your creditors on notice that you may be a victim of fraud—an initial alert and an extended alert. You may ask that an initial fraud alert be placed on your credit report if you suspect you have been, or are about to be, a victim of identity theft. An initial fraud alert stays on your credit report for one year. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years.

To place a fraud alert on your credit reports, contact one of the nationwide credit bureaus. A fraud alert is free. The credit bureau you contact must tell the other two, and all three will place an alert on their versions of your report.

For those in the military who want to protect their credit while deployed, an Active Duty Military Fraud Alert lasts for one year and can be renewed for the length of your deployment. The credit bureaus will also take you off their marketing lists for pre-screened credit card offers for two years, unless you ask them not to.

**Credit or Security Freezes:** You have the right to put a credit freeze, also known as a security freeze, on your credit file, free of charge, which makes it more difficult for identity thieves to open new accounts in your name. That's because most creditors need to see your credit report before they approve a new account. If they can't see your report, they may not extend the credit.

*How do I place a freeze on my credit reports?* There is no fee to place or lift a security freeze. Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit reporting company. For information and instructions to place a security freeze, contact each of the credit reporting agencies at the addresses below:

- **Experian Security Freeze**, PO Box 9554, Allen, TX 75013, [www.experian.com](http://www.experian.com)
- **TransUnion Security Freeze**, PO Box 2000, Chester, PA 19016, [www.transunion.com](http://www.transunion.com)
- **Equifax Security Freeze**, PO Box 105788, Atlanta, GA 30348, [www.equifax.com](http://www.equifax.com)

You'll need to supply your name, address, date of birth, Social Security number and other personal information.

After receiving your freeze request, each credit bureau will provide you with a unique PIN (personal identification number) or password. Keep the PIN or password in a safe place. You will need it if you choose to lift the freeze.

*How do I lift a freeze?* A freeze remains in place until you ask the credit bureau to temporarily lift it or remove it altogether. If the request is made online or by phone, a credit bureau must lift a freeze within one hour. If the request is made by mail, then the bureau must lift the freeze no later than three business days after getting your request.

If you opt for a temporary lift because you are applying for credit or a job, and you can find out which credit bureau the business will contact for your file, you can save some time by lifting the freeze only at that particular credit bureau. Otherwise, you need to make the request with all three credit bureaus.

If your medical or health insurance information was identified, we recommend that you review statements you receive from your health insurer or healthcare provider. If you see charges for services you did not receive, please contact your insurer or provider immediately.

If your username and password was identified, we recommend you promptly reset your password to the subject account, as well as all other accounts for which you use the same or a similar username and password.

***Additional information for residents of the following states:***

**District of Columbia:** You may contact and obtain information from your attorney general at: *Office of the Attorney General for the District of Columbia*, 441 4th Street, NW, Washington, DC 20001, 1-202-727-3400, [www.oag.dc.gov](http://www.oag.dc.gov). Residents of D.C. can contact Dynavax Technologies Corporation at 2100 Powell Street, Suite 900, Emeryville, CA 94608 and can be reached at 1.510.848.5100.

**Maryland:** Dynavax Technologies Corporation is located at 2100 Powell Street, Suite 900, Emeryville, CA 94608, and can be reached at 1.510.848.5100. You may contact and obtain information from your state attorney general at: *Maryland Attorney General's Office*, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023 / 1-410-576-6300, [www.oag.state.md.us](http://www.oag.state.md.us)

**New York:** You may contact and obtain information from these state agencies: *New York Department of State Division of Consumer Protection*, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, 518-474-8583 / 1-800-697-1220, <http://www.dos.ny.gov/consumerprotection>; *New York State Office of the Attorney General*, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov>

**North Carolina:** You may contact and obtain information from your state attorney general at: *North Carolina Attorney General's Office*, 9001 Mail Service Centre, Raleigh, NC 27699, 1-919-716-6000 / 1-877-566-7226, [www.ncdoj.gov](http://www.ncdoj.gov)

**A Summary of Your Rights Under the Fair Credit Reporting Act:** The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Your major rights under the FCRA are summarized below. For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- You must be told if information in your file has been used against you.
- You have the right to know what is in your file.
- You have the right to ask for a credit score.
- You have the right to dispute incomplete or inaccurate information.
- Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.
- Consumer reporting agencies may not report outdated negative information.

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- Access to your file is limited.
- You must give your consent for reports to be provided to employers.
- You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.
- You have a 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.
- You may seek damages from violators.
- Identity theft victims and active duty military personnel have additional rights.