



MULLEN
COUGHLIN_{LLC}
ATTORNEYS AT LAW

RECEIVED

JAN 20 2021

CONSUMER PROTECTION

Jeffrey J. Boogay
Office: (267) 930-4784
Fax: (267) 930-4771
Email: jboogay@mullen.law

426 W. Lancaster Avenue, Suite 200
Devon, PA 19333

January 14, 2021

VIA U.S. MAIL

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

Re: Notice of Data Event

Dear Sir or Madam:

We represent E.R. Snell Contractor, Inc. ("E.R. Snell") located at 1785 Oak Rd., Snellville, GA 30078, and are writing to notify your office of an incident that may affect the security of some personal information relating to one (1) New Hampshire resident. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, E.R. Snell does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

Nature of the Data Event

On September 6, 2020, E.R. Snell became aware of unusual activity on its network. E.R. Snell conducted an immediate investigation and determined that the network was impacted by malware which prevented access to certain files on the system. In response, E.R. Snell began working with third-party forensic investigators to investigate the nature and scope of the event and to determine what information may have been impacted by this event and to whom the information relates. E.R. Snell also notified the Federal Bureau of Investigation ("FBI") and is assisting, as needed, in the FBI's investigation.

The investigation determined that the malware was introduced into the system by an unauthorized actor who also accessed and acquired certain files within E.R. Snell's system. The unauthorized access occurred between September 1, 2020 and September 6, 2020.

E.R. Snell, with the assistance of the forensic specialists, began a thorough, lengthy, and labor-intensive process to identify sensitive information that may have been contained within impacted files, and to identify the individuals whose information may have been impacted.

The information subject to unauthorized access includes name, address, and Social Security number.

Notice to New Hampshire Resident

On January 14, 2021, E.R. Snell began providing written notice of this incident to potentially affected individuals, which includes one (1) New Hampshire resident. Written notice is being provided in substantially the same form as the letter attached hereto as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, E.R. Snell moved quickly to investigate and respond to the incident, assess the security of E.R. Snell systems, and notify potentially affected individuals as well as the Federal Bureau of Investigation. E.R. Snell also reviewed its existing policies and procedures and implemented additional safeguards to further secure the information in its systems. E.R. Snell is providing those potentially affected by this incident with complimentary access to credit monitoring services for twelve (12) months, through TransUnion.

Additionally, E.R. Snell is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. E.R. Snell is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, 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 fraud and identity theft 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.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4784.

Very truly yours,



Jeffrey J. Boogay of
MULLEN COUGHLIN LLC

JJB/MLL/mep

EXHIBIT A



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>>

<<Variable Heading>>

Dear <<Name 1>>:

E.R. Snell Contractor, Inc. ("E.R. Snell") is writing to inform you of a recent incident that may impact the privacy of some of your personal information. We wanted to provide you with information about the incident, our response, and steps you may take to better protect against the possibility of identity theft and fraud, should you feel it necessary.

What Happened? On September 6, 2020, E.R. Snell became aware of unusual activity on its network. E.R. Snell conducted an immediate investigation and determined that the network was impacted by malware which prevented access to certain files on the system. In response, E.R. Snell began working with third-party forensic investigators to investigate the nature and scope of the event. E.R. Snell also notified the Federal Bureau of Investigation ("FBI") and is assisting, as needed, in the FBI's investigation.

The investigation determined that the malware was introduced into the system by an unauthorized actor who also accessed and acquired certain files within E.R. Snell's system. The unauthorized access occurred between September 1, 2020 and September 6, 2020.

E.R. Snell, with the assistance of the forensic specialists, began a thorough, lengthy, and labor-intensive process to identify sensitive information that may have been contained within impacted files, and to identify the individuals whose information may have been impacted. E.R. Snell is notifying you out of an abundance of caution because the investigation determined that certain information relating to you may have been included in the impacted files.

What Information Was Involved? The following information about you may have been accessed by the unauthorized individual(s): your name, <<Data Elements>>. There is no indication that your information was subject to actual or attempted misuse.

What We Are Doing. We take this incident and the security of personal information within our care very seriously. Upon discovery of this incident, we immediately took steps to secure our systems and launched an in-depth investigation with the assistance of cyber-forensic specialists to determine the full nature and scope of this incident. As part of our ongoing commitment to the privacy of personal information in our care, we reviewed our existing policies and procedures and implemented additional safeguards to further secure the information in our systems. We are also notifying regulatory authorities, as required by law.

As an added precaution, we are also offering twelve (12) months of complimentary access to credit monitoring, fraud consultation, and identity theft restoration services through TransUnion. Individuals who wish to receive these services must enroll by following the attached enrollment instructions.

What You Can Do. You can find out more about how to protect against potential identity theft and fraud in the enclosed *Steps You Can Take to Help Protect Your Personal Information*. There you will also find more information on the credit monitoring services we are offering and how to enroll.

For More Information. We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, please call the dedicated assistance line that we have helped set-up at 800-757-6213, Monday through Friday from 9:00 a.m. to 9:00 p.m. Eastern Time, excluding U.S. holidays.

E.R. Snell sincerely regrets any inconvenience or concern this incident may have caused you.

Sincerely,

E.R. Snell Contractor, Inc.

Steps You Can Take to Help Protect Your Personal Information

Enroll in Credit Monitoring

As a safeguard, we have arranged for you to enroll, at no cost to you, in an online credit monitoring service (*myTrueIdentity*) for one year provided by TransUnion Interactive, a subsidiary of TransUnion,[®] one of the three nationwide credit reporting companies.

How to Enroll: You can sign up online or via U.S. mail delivery:

- To enroll in this service, go to the *myTrueIdentity* website at **www.MyTrueIdentity.com** and, in the space referenced as "Enter Activation Code," enter the 12-letter Activation Code <<**Insert Unique 12-letter Activation Code**>> and follow the three steps to receive your credit monitoring service online within minutes.
- If you do not have access to the Internet and wish to enroll in a similar offline, paper-based credit monitoring service, via U.S. mail delivery, please call the TransUnion Fraud Response Services toll-free hotline at **1-855-288-5422**. When prompted, enter the six-digit telephone passcode <<**Insert static 6-digit Telephone Pass Code**>> and follow the steps to enroll in the offline credit monitoring service, add an initial fraud alert to your credit file, or to speak to a TransUnion representative if you believe you may be a victim of identity theft.

You can sign up for the online or offline credit monitoring service anytime between now and <<**Enrollment Deadline**>>. Due to privacy laws, we cannot register you directly. Please note that credit monitoring services might not be available for individuals who do not have a credit file with TransUnion or an address in the United States (or its territories) and a valid Social Security number. Enrolling in this service will not affect your credit score.

Additional Details Regarding Your 12-Month Complimentary Credit Monitoring Service:

- Once you are enrolled, you will be able to obtain one year of unlimited access to your TransUnion credit report and credit score.
- The daily credit monitoring service will notify you if there are any critical changes to your credit file at TransUnion, including fraud alerts, new inquiries, new accounts, new public records, late payments, changes of address, and more.
- The service also includes access to an identity restoration program that provides assistance in the event that your identity is compromised and up to \$1,000,000 in identity theft insurance with no deductible. (Policy limitations and exclusions may apply.)

Monitor Your Accounts

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
P.O. Box 9554
Allen, TX 75013
1-888-397-3742
www.experian.com/freeze/center.html

TransUnion
P.O. Box 160
Woodlyn, PA 19094
1-888-909-8872
www.transunion.com/credit-freeze

Equifax
P.O. Box 105788
Atlanta, GA 30348-5788
1-800-685-1111
www.equifax.com/personal/credit-report-services

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 9554
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

Additional Information

If you identify any fraudulent or suspicious charges on your credit or debit card, you should immediately contact your bank or financial institution. It is also a good practice to remain vigilant of unsolicited communications seeking your credit card or other financial information. Incidents of identity theft should also be reported to your local law enforcement.

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.

Maryland Residents: Office of the Attorney General of Maryland, Consumer Protection Division 200 St. Paul Place, Baltimore, MD 21202, www.oag.state.md.us/Consumer, Telephone: 1-888-743-0023. **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 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. **New York Residents:** the Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov/>. **North Carolina Residents:** Office of the Attorney General of North Carolina, Consumer Protection Division, 9001 Mail Service Center Raleigh, NC 27699-9001, www.ncdoj.gov, Telephone: 1-919-716-6400, 877-566-7226 (toll free within NC). **Oregon Residents:** Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, www.doj.state.or.us/, Telephone: 877-877-9392. **Rhode Island Residents:** Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, www.riag.ri.gov, Telephone: 401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 0 Rhode Island residents impacted by this incident. **Washington D.C. Residents:** the Office of Attorney General for the District of Columbia can be reached at: 400 6th St. NW, Washington, D.C. 20001; 1-202-442-9828; <https://oag.dc.gov>. **All US Residents:** Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580, www.consumer.gov/idtheft, 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.