



MIDDLETON
REUTLINGER

401 South Fourth Street
Suite 2600
Louisville, KY 40202
www.middletonlaw.com

Jennifer M. Barbour
Main: 502.584.1135
Direct: 502.625.2787
Fax: 502.588.1917
jbarbour@middletonlaw.com

STATE OF
NH DEPT OF J
2018 JUN 12 AM 10:56

June 8, 2018

VIA US Mail

NH Department of Justice
Gordon J. MacDonald, Attorney General
33 Capitol Street
Concord, NH 03301

Re: Data Breach

Dear Sir or Madame:

In accordance with N.H. RSA §359-C:20, I am writing on behalf of Elmcroft Senior Living, Inc. to provide notice of a data breach incident.

- 1) **Date of Incident:** May 10-12, 2018
- 2) **Date of discovery:** May 12, 2018
- 3) **Preliminary description of breach:** An unauthorized third-party accessed Elmcroft Senior Living, Inc.'s servers on May 10th via RDP. At 3.31 p.m. on May 12th, a third party accessed the account and began transferring data concerning patient demographic information. IT discovered the access and transfer of data on May 12th. IT terminated the access, and disabled the account on May 12th. After investigation, IT determined the third party may have potentially accessed names, dates of birth, and in some instances, Social Security numbers and personal health information of individuals.
- 4) **Notification of affected individuals:** letters notifying New Hampshire residents of the incident are being mailed on June 11, 2018. A copy of the letter notifying individuals is enclosed.
- 5) **Free services offered to affected individuals:** identity monitoring for those who have been impacted at no cost for one year. The identity monitoring services include Credit Monitoring, \$1 Million Identity Fraud Loss Reimbursement, Fraud Consultation and Identity Theft Restoration. Detailed information about these services is attached to the notification letter.
- 6) **Number of affected New Hampshire residents:** 31.

If you need any additional information, please feel free to contact me.

Sincerely,

Jennifer M. Barbour

<<Date>> (Format: Month Day, Year)

<<MemberFirstName>> <<MemberMiddleName>> <<MemberLastName>> <<Suffix>>
<<ClientDef1(C/O Responsible PartyFirstName ResponsiblePartyLastName)>>
<<Address1>>
<<Address2>>
<<City>>, <<State>> <<ZipCode>>

Notice of Data Breach

Dear <<ClientDef2(Responsible Party for)>><<MemberFirstName>> <<MemberLastName>>,

Elmcroft Senior Living, Inc., a Louisville, Kentucky based company that previously managed the Elmcroft community portfolio, is writing to tell you about a data security incident that may have exposed personal information about you or a family member. We take the protection and proper use of all personal information very seriously, and for this reason, we are contacting you directly to explain the circumstances of the incident.

What happened?

On May 10, 2018, an unauthorized third party accessed our servers located in Louisville, Kentucky, which included files containing personal information about you or your family member. We became aware of the incident on May 12, 2018 and immediately terminated the third party's unauthorized access. We promptly initiated an investigation to determine how the access occurred, and what information was or may have been accessed. We have also notified local and federal law enforcement agencies and are cooperating with those entities as they investigate this incident.

What information was involved?

The third party may have accessed demographic data and personal health information about you or your family member, including your or your family member's name, date of birth, address, and in some instances, a social security number. In some cases, personal health information of our former residents and patients of our health care facilities may also have been accessed.

What we are doing.

We are committed to making every reasonable effort to safeguard your personal information. We have security measures in place for our electronically-stored information, and monitor our computer system for unauthorized access to reduce the likelihood that third parties will access electronically-stored information, and work to determine if there are additional reasonable steps that we should take to lessen the chance of future incidents.

To help relieve concerns and restore confidence following this incident, we have secured the services of Kroll to provide identity monitoring at no cost to you for one year. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services include Credit Monitoring, \$1 Million Identity Fraud Loss Reimbursement, Fraud Consultation, and Identity Theft Restoration.

Visit <<IDMonitoringURL>> to activate and take advantage of your identity monitoring services.

*You have until **September 14, 2018** to activate your identity monitoring services.*

Membership Number: <<Member ID>>

To receive credit services by mail instead of online, please call 1-???-???-?????. Additional information describing your services is included with this letter.

What you can do.

Please review the enclosed "Additional Resources" section included with this letter. This section describes additional steps you can take to help protect yourself, including recommendations by the Federal Trade Commission regarding identity theft protection and details on how to place a fraud alert or a security freeze on your credit file.

For more information.

If you have questions, please call 1-???-???-????, Monday through Friday from 8:00 a.m. to 5:00 p.m. Central Time. Please have your membership number ready.

Protecting your information is important to us. We trust that the services we are offering to you demonstrate our continued commitment to your security and satisfaction.

Sincerely,

Elmcroft Senior Living, Inc.

A Louisville, Kentucky based company and
previous manager of the Elmcroft community portfolio

ADDITIONAL RESOURCES

Contact information for the three nationwide credit reporting agencies is:

Equifax, PO Box 740241, Atlanta, GA 30374, www.equifax.com, 1-800-685-1111

Experian, PO Box 2104, Allen, TX 75013, www.experian.com, 1-888-397-3742

TransUnion, PO Box 2000, Chester, PA 19022, www.transunion.com, 1-800-888-4213

Free Credit Report. It is recommended that you remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring your credit report for 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 agencies.

To order your annual free credit report please visit 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) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

For Colorado, Georgia, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont residents:

You may obtain one or more (depending on the state) 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 in your 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.

Security Freeze. You have the ability to place a security freeze on your credit report.

A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you may be able to use an online process, an automated telephone line, or a written request to any of the three credit reporting agencies listed above. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her 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 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. The credit reporting agencies may charge a fee to place a freeze, temporarily lift it or permanently remove it. The fee is waived if you are a victim of identity theft and have submitted a valid investigative or law enforcement report or complaint relating to the identity theft incident to the credit reporting agencies. (You must review your state's requirement(s) and/or credit bureau requirement(s) for the specific document(s) to be submitted.)

For Massachusetts residents: The fee for each placement of a freeze, temporary lift of a freeze, or removal of a freeze is \$5.

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 Avenue, NW, Washington, DC 20580, 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, 1-888-743-0023.

For North Carolina residents: You may contact the North Carolina Office of the Attorney General, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, www.ncdoj.gov, 1-877-566-7226.

For Rhode Island residents: You may contact the Rhode Island Office of the Attorney General at <http://www.riag.ri.gov/ConsumerProtection/About.php> or (401) 274-4400.

Reporting of identity theft and obtaining 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.

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



TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES

You've been provided with access to the following services¹ from Kroll:

Single Bureau Credit Monitoring

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you'll have the option to call a Kroll fraud specialist, who can help you determine if it's an indicator of identity theft.

\$1 Million Identity Fraud Loss Reimbursement

Reimburses you for out-of-pocket expenses totaling up to \$1 million in covered legal costs and expenses for any one stolen identity event. All coverage is subject to the conditions and exclusions in the policy.

Fraud Consultation

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

Identity Theft Restoration

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator can dig deep to uncover the scope of the identity theft, and then work to resolve it.

¹ Kroll's activation website is only compatible with the current version or one version earlier of Internet Explorer, Chrome, Firefox, and Safari. To receive credit services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit file.