



MULLEN
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RECEIVED

OCT 15 2019

CONSUMER PROTECTION

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October 9, 2019

VIA FIRST CLASS U.S. MAIL

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

Re: Notice of Data Event

Dear Attorney General Gordon MacDonald:

We represent Employee Screening Services of Missouri d/b/a Tomo Drug Testing (“Tomo”), located at 2055 S. Steward Ave, Springfield, MO, 65804, and are writing to notify you of a recent incident that may affect the security of the personal information of approximately one (1) New Hampshire resident. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Tomo does not waive any rights or defenses.

Nature of the Data Event

On April 23, 2019 and May 9, 2019, an unauthorized actor gained remote access to Tomo’s system and claimed to have downloaded and removed certain information from the customer database. Tomo discovered this incident on April 23, 2019 and immediately launched an investigation, with the aid of forensic experts, to determine the nature and scope of this incident. Tomo learned that certain files were deleted or removed from the database. Tomo undertook a lengthy and labor-intensive process to identify the personal information contained in the impacted database. While the investigation was unable to confirm whether the information contained in the database was downloaded, Tomo is providing notice to the individuals whose information was stored in the impacted database in an abundance of caution. Tomo provided notice to the entities who own the data at issue and offered to provide notice on their behalf to the impacted individuals and appropriate state regulators.

The type of PII related to the New Hampshire resident determined to be stored within the impacted database included the following: name and Social Security number.

Notice to New Hampshire Resident

On October 9, 2019, after receiving permission from the entities who own the data at issue, Tomo began mailing written notice of this incident to potentially impacted individuals, including approximately one (1) New Hampshire resident, for whom address information was available. Such notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Tomo is also providing notice to impacted individuals for whom no address information is available by way of a notice posted on the homepage of its website, and a press release issued to media publications in the state of Missouri, as that is where the vast majority of impacted individuals are believed to reside.

Other Steps Taken

Tomo is offering affected individuals complimentary access to one year of free credit monitoring and identity restoration services through Kroll. Additionally, Tomo is providing potentially affected individuals with information on how to protect against identity theft and fraud, including information on how to contact the Federal Trade Commission and law enforcement to report any attempted or actual identity theft and fraud. In addition to providing notice of this incident to you, Tomo will be providing notice to other state regulators.

Upon learning of this incident, Tomo quickly changed the passwords and privileges that provided access to the database and restored the data from available backups. Tomo has since migrated its databases to a new system with additional security measures and removed the databases from the prior system. Tomo is currently implementing additional technical safeguards to prevent similar future incidents.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security incident, please contact me at (267) 930-4777.

Very truly yours,



Brian F. Fox of
MULLEN COUGHLIN LLC

BFF:KML
Enclosure

Exhibit A



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

<<FirstName>> <<MiddleName>> <<LastName>> <<NameSuffix>>
<<Address1>>
<<Address2>>
<<City>>, <<State>> <<Zip>>

Re: Notice of Data Security Incident

Dear <<FirstName>> <<MiddleName>> <<LastName>> <<NameSuffix>>,

Tomo Drug Testing (“Tomo”) provides drug screening services for employers and individuals in the Springfield, Missouri area. Tomo is writing to notify you of an incident that occurred on our systems that may affect the security of some of your personal information. We take this incident very seriously. This letter provides details of the incident and the resources available to you to help protect your information from possible misuse, should you feel it is appropriate to do so.

What Happened? On April 23, 2019 and May 9, 2019, an unauthorized actor gained remote access to our system and claimed to have downloaded and removed certain information from our customer database. We discovered this incident on April 23, 2019 and immediately launched an investigation, with the aid of forensic experts, to determine the nature and scope of this incident. With the forensic expert, Tomo learned that certain files were deleted or removed from the database. Tomo undertook a lengthy and labor-intensive process to identify the personal information contained in the impacted database. While the investigation was unable to confirm whether the information contained in the database was downloaded or removed, Tomo is notifying you in an abundance of caution because we have confirmed that information regarding drug testing you submitted to was present in the database.

What Information Was Affected? Tomo was unable to confirm whether your information was actually taken by the unauthorized individual. Our investigation confirmed that the information present in the impacted database includes your [variable text field with data elements specific to each person].

What Are We Doing? Information privacy and security are among our highest priorities. Tomo has strict security measures to protect the information in our possession. Upon learning of this incident, we quickly changed the passwords and privileges that provided access to the database and restored the data from our backups. We have since migrated our databases to a new system with additional security measures and removed our databases from the prior system. We are currently implementing additional technical safeguards to help prevent similar future incidents.

We are providing you with access to 12 months of complimentary identity monitoring services through Kroll.

What Can You Do? We encourage you to activate the 12 months of complimentary identity monitoring. Please review the instructions contained in the attached “Steps You Can Take to Protect Your Information,” which contains instructions on how to activate and receive complimentary identity monitoring services.

For More Information: We recognize that you may have questions not addressed in this letter. If you have additional questions, please call Tomo’s dedicated assistance line at 1-833-680-7832 (toll free), Monday through Friday, 8:00 a.m. to 5:30 p.m., CT.

We sincerely regret any inconvenience this incident may cause you. Tomo Drug Testing remains committed to safeguarding the information in our care and we will continue to take steps to ensure the security of our systems.

Sincerely,

A handwritten signature in black ink that reads "Erica L. Bussard". The signature is written in a cursive, flowing style.

Erica L. Bussard
Compliance Specialist, Tomo Drug Testing

Steps You Can Take to Protect Your Information

Activate Identity Monitoring

As an added precaution, we have arranged to have Kroll monitor your identity for 12 months at no cost to you. The following identity monitoring services start on the date of this notice: Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

Visit enroll.idheadquarters.com to activate and take advantage of your identity monitoring services.

You have until <<Date>> to activate your identity monitoring services.

Membership Number: <<Member ID>>

Additional information describing your services is included with this letter.

Monitor Your Accounts.

To protect against the possibility of identity theft or other financial loss, we encourage you to remain vigilant, to review your account statements, and to monitor your credit reports for suspicious activity.

Credit Reports. 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.

Security Freeze. 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

PO Box 9554
Allen, TX 75013
1-888-397-3742

www.experian.com/freeze/center.html

TransUnion

P.O. Box 2000
Chester, PA 19016
1-888-909-8872

www.transunion.com/credit-freeze

Equifax

PO Box 105788
Atlanta, GA 30348
1-800-685-1111

www.equifax.com/personal/credit-report-services

To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) and the PIN number or password provided to you when you placed the security freeze. The credit bureaus have three (3) business days after receiving your request to remove the security freeze.

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 2002
Allen, TX 75013
1-888-397-3742

www.experian.com/fraud/center.html

TransUnion

P.O. Box 2000
Chester, PA 19016
1-800-680-7829

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. You can further educate yourself regarding identity theft, and the steps you can take to protect yourself, by contacting your state Attorney General or the Federal Trade Commission. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue, NW, Washington, DC 20580; www.ftc.gov/idtheft; 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. Instances of known or suspected identity theft should be

reported to law enforcement, your Attorney General, and the FTC. You can also further educate yourself about placing a fraud alert or security freeze on your credit file by contacting the FTC or your state's Attorney General. **For Maryland residents**, the Attorney General can be contacted by mail at 200 St. Paul Place, Baltimore, MD, 21202; toll-free at 1888-743-0023; by phone at (410) 576-6300; consumer hotline (410) 528-8662; and online at www.marylandattorneygeneral.gov. **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, 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 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. We encourage you to 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. **For North Carolina Residents:** The North Carolina Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400, and online at www.ncdoj.gov. **For Rhode Island Residents:** The Rhode Island Attorney General can be reached at: 150 South Main Street, Providence, Rhode Island 02903, www.riag.ri.gov, 1-401-247-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. [There are approximately XX Rhode Island residents impacted by this incident.](#) This notice has not been delayed by a law enforcement investigation.

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.

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 Chrome, Firefox, Safari and Edge. 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.