



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

August 10, 2023

VIA E-MAIL

Office of the New Hampshire Attorney General
Consumer Protection & Antitrust Bureau
33 Capitol Street
Concord, NH 03301
E-mail: DOJ-CPB@doj.nh.gov

Re: Notice of Data Event

To Whom It May Concern:

We represent EMS Management and Consultants Inc. (“EMS|MC”) located at 2540 Empire Drive, Suite 100, Winston-Salem, NC 27103, and are writing to notify your office on behalf of the covered entities listed in the attached *Exhibit A* of an incident that may affect the security of certain personal information relating to thirty-one (31) New Hampshire residents. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, EMS|MC and the covered entities listed in *Exhibit A* do 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 May 31, 2023, and again in June 2023, Progress Software Corp. publicly disclosed that its MOVEit Transfer tool had been compromised. As a user of that tool, EMS|MC moved quickly to patch the tool and undertook recommended mitigation steps. EMS|MC promptly launched an investigation, with the assistance of third-party cybersecurity specialists, to determine the potential impact of the issue on the security of data housed on the MOVEit Transfer server. EMS|MC’s investigation determined that an unknown actor accessed the MOVEit Transfer server on May 30, 2023, and took certain data from the server during that time. EMS|MC subsequently engaged a third-party data analysis firm to perform a detailed review of the involved data to understand the contents of that data and to whom it relates. On July 12, 2023, EMSMC learned that data related to certain patients of the respective covered entities was present on the impacted server at the time of the event.

Thereafter, EMS|MC formally notified its covered entity clients of the results of the data review and provided the number of individuals associated with the covered entities with the offer to notify individuals and relevant regulators on behalf of the covered entity clients. EMS|MC coordinated with its covered entity clients to provide notice to individuals and your office. Please note that the entities listed in *Exhibit A* may not be a comprehensive list of all entities who had New Hampshire residents impacted by this incident. Merely those which have reporting obligations under applicable New Hampshire law.

The information that could have been subject to unauthorized access includes

Notice to New Hampshire Residents

On August 9, 2023, EMS|MC began providing written notice of this incident to thirty-one (31) New Hampshire residents on behalf of the covered entities listed in *Exhibit A*. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit B*.

Other Steps Taken and To Be Taken

Upon discovering the event, EMS|MC moved quickly to investigate and respond to the incident, assess the security of the MOVEIt server and EMS|MC systems, and identify potentially affected individuals. EMS|MC is providing access to credit monitoring services for through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, EMS|MC is providing impacted individuals with guidance on how to better protect against identity theft and fraud. EMS|MC is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, 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.

EMS|MC is providing written notice of this incident to relevant state and federal regulators, as necessary, and to the three major credit reporting agencies, Equifax, Experian, and TransUnion. EMS|MC is also notifying the U.S. Department of Health and Human Services and prominent media pursuant to the Health Insurance Portability and Accountability Act (HIPAA).

Office of the New Hampshire Attorney General

August 10, 2023

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Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at .

Very truly yours,

Brittany R. Bickel of
MULLEN COUGHLIN LLC

BRB/scs
Enclosure

EXHIBIT A

Alamance County Emergency Medical Service

Birmingham Fire & Rescue Service

Brunswick County EMS

Citrus County Fire Rescue

Danville Life Saving and First Aid Crew Inc

Durham County EMS

Eagle County Health Service District

Gaston County Emergency Medical Services

Jefferson County Fire Rescue

EXHIBIT B



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

August 9, 2023

J8365-L01-0000001 T00001 P001 *****SCH 5-DIGIT 12345



SAMPLE A SAMPLE - L01 INDIVIDUAL
APT ABC
123 ANY STREET
ANYTOWN, ST 12345-6789



Notice of Data [Extra2]

Dear Sample A. Sample:

EMS Management and Consultants Inc. (“EMS|MC”) writes on behalf of [Client] to inform you of an event that may affect the security of your personal information. This letter provides details of the event, our response, and resources available to you to help protect your personal information from possible misuse, should you feel it is appropriate to do so.

Who is EMS|MC and Why Did They Have My Information? EMS|MC provides medical billing services to emergency medical service providers throughout the country. EMS|MC processes billing and claims for these departments, and as part of this process, EMS|MC receives information relating to services provided to individuals.

What Happened. On May 31, 2023, and again in June 2023, Progress Software Corp. publicly disclosed that its MOVEit Transfer tool had been compromised. As a user of that tool, we moved quickly to patch the tool and undertook recommended mitigation steps. We promptly launched an investigation, with the assistance of third-party cybersecurity specialists, to determine the potential impact of the issue on the security of data housed on the MOVEit Transfer server. Our investigation, determined that an unknown actor accessed the MOVEit Transfer server on May 30, 2023, and took certain data from the server during that time. We subsequently engaged a third-party data analysis firm to perform a detailed review of the involved data to understand the contents of that data and to whom it relates. On July 12, 2023, we learned that data related to you was present on the impacted server at the time of the event.

What Information Was Involved. We determined that the unauthorized access into the MOVEit Transfer server rendered accessible your [redacted]. Although we are currently unaware of any misuse of your data, we are providing you with this notice out of an abundance of caution.

What We Are Doing. We take this event and the security of personal information in our care very seriously. Upon learning of this, we moved quickly to investigate and respond to the event and notify our business partners and potentially affected individuals. As part of our ongoing commitment to the security of information, we are reviewing and enhancing our existing policies and procedures related to data privacy to reduce the likelihood of a similar future event.

As an added precaution, we are providing you with access to [redacted] of credit monitoring and identity protection services provided by Experian. A description of services and instructions on how to enroll can be found within the enclosed *Steps You Can Take to Help Protect Your Information*. Please note that you must complete the enrollment process yourself, as we are not permitted to enroll you in these services on your behalf.

What You Can Do. Please review the enclosed *Steps You Can Take to Help Protect Your Information*, which contains information on what you can do to better protect against possible misuse of your information. We encourage you to remain vigilant against potential incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity. You will also find information on how to enroll in the credit monitoring services offered.

For More Information. We understand that you may have questions that are not addressed in this letter. If you have additional questions, please call _____, which is available Monday through Friday, between the hours of 9:00 a.m. and 11:00 p.m. and Saturday and Sunday, between the hours of 11:00 a.m. and 8:00 p.m. Eastern Time (excluding major US holidays). Please be prepared to provide engagement number _____ when calling. Also, you can write to us at 2540 Empire Drive, Suite 100 Winston-Salem, NC 27103

Sincerely,

Kim Stanley
Chief Compliance Officer
EMS Management and Consultants Inc.

STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

Enroll in Credit Monitoring

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. 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 from the date of the incident (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 Identity Restoration is available to you for _____ 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 _____

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by** _____ (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll
- Provide your **activation code**:

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at _____ by _____. Be prepared to provide engagement number _____ as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR _____ EXPERIAN IDENTITYWORKS MEMBERSHIP

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

* 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.

Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended “fraud alert” on a credit file at no cost. An initial fraud alert is a one-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 three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit 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 credit 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 credit freeze on your credit report. To request a credit freeze, you will need to provide the following information:

1. Full name (including middle initial, as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a fraud alert or a credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-800-916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and 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.

For District of Columbia residents, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, DC 20001; 1-202-727-3400; and oag.dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>.

For Massachusetts residents, Under Massachusetts law, you have the right to obtain any police report filed in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.

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 bureaus 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 New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.

For Iowa residents, You may contact law enforcement, such as the Iowa Attorney General’s Office, to report incidents of identity theft. You can contact the Iowa Attorney General at: Office of the Attorney General of Iowa, Hoover State Office Building, 1305 E. Walnut Street, Des Moines IA 50319; <https://www.iowaattorneygeneral.gov/>; (515) 281-5044.

For Oregon residents, You may obtain information about preventing identity theft from the Oregon Attorney General’s Office: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; www.doj.state.or.us/; 877-877-9392

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; 1-401-274-4400; and www.riag.ri.gov. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 21 Rhode Island residents impacted by this event.