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March 26, 2021

VIA EMAIL

Attorney General Gordon J. MacDonald
Office of New Hampshire Attorney General
Attn: Security Breach Notification
33 Capitol Street
Concord, NH 03301
DOJ-CPB@doj.nh.gov

Re: *Notice of Data Incident*

Dear Attorney General MacDonald:

I serve as outside legal counsel to FirstBank whose principal place of business is located at 211 Commerce Street, Suite 300, Nashville, Tennessee 37201.¹

This correspondence is to notify you of a security incident involving unauthorized access to the email accounts of two FirstBank employees. FirstBank discovered that there was potentially unauthorized access to personally identifiable information (“PII”) in the email account on or about February 9, 2021. Due to the risk that PII may have been accessed or acquired during the incident, in an abundance of caution, notification letters are being sent via U.S. Mail to 4 residents of your State on or about March 26, 2021. The notification letters include instructions for activating one (1) year of credit monitoring services at no cost to the residents. The PII that was potentially at risk included first and last names, Social Security numbers and financial account numbers. A sample notification letter is enclosed for your reference and includes:

- A description of the security incident;
- Steps taken to investigate;
- Steps taken to mitigate any potential harm to consumers;
- Instructions for activation of 1 year of free identity theft protection services that include credit monitoring and a \$1 million insurance reimbursement policy to all consumers who received notification;

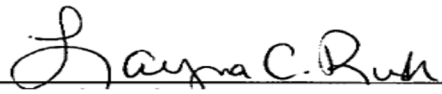
¹ By providing this notice, FirstBank does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

- Instructions on how to place a security freeze on the recipient's consumer credit report; and
- Instructions regarding how to obtain more information about this incident.

FirstBank is fully committed to protecting the confidentiality of personal information and has recently performed a comprehensive review of its security program. This includes dedicating significant resources to enhance security within its network and enhance its security posture to guard against the constantly evolving threat landscape. We will follow-up this correspondence with any forms or other documents that may need to be completed. Please contact me if you require any additional information regarding this incident.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: 
Layna C. Rush

Enclosures:

Exhibit 1: Sample Notification Letter sent to 4 residents



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

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country >>

Dear <<first_name>> <<middle_name>> <<last_name>> <<suffix>>,

FirstBank is providing this notice to make you aware of an incident in which some of your personal information may have been at risk due to unauthorized access to an employee's email account. Upon identifying the incident, we blocked the unauthorized access and experts were retained to investigate the incident. The investigation determined that the unauthorized access occurred between September 1-3, 2020 and November 3-9, 2020. Our review of the incident and investigation revealed that the information potentially involved included your first and last name and your <<b2b_text_1 ([Impacted Data])>>.

We have no evidence that any of your information has been misused by anyone as a result of this incident. However, as a courtesy and to help give you peace of mind, we are offering you one (1) year of free credit monitoring and \$1 million in identity theft insurance through Experian. **You must activate the Experian product by the activation date for it to be effective.** We have also included some additional steps that you can take to protect yourself, as you deem appropriate.

We regret that this happened and want to assure you that we take information safety and security very seriously. We value your trust and we invest substantial resources into protecting your privacy and alerting you of potential security risks. We are continuing to take steps to enhance our security measures and to train our employees to prevent something like this from happening in the future.

If you have additional questions about this incident, please call toll-free 1-???-???-????, between 9:00 a.m. and 6:30 p.m. Eastern Time, Monday through Friday (excluding major U.S. holidays). We apologize for any concern this incident may have caused you.

Sincerely,

FirstBank

STEPS YOU CAN TAKE

To help protect your identity, we are offering a complimentary one-year membership of Experian's® IdentityWorksSM. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information please follow the steps below:

- Ensure that you enroll by <<b2b_text_2 (Date)>> (Your code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
- Provide your **activation code**: <<INSERT CODE>>

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 877.288.8057 by <<b2b_text_2 (Date)>>. Be prepared to provide engagement number <<b2b_text_3 (Engagement #)>> as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-MONTH 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, 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 ExtendCARETM:** 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 877.288.8057. 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. 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.

ADDITIONAL STEPS YOU CAN TAKE TO PROTECT YOURSELF

Below are additional actions you may take, if you feel it is necessary.

- **FREEZE YOUR CREDIT FILE.** 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. 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. Note that a security freeze generally does not apply to existing account relationships and when a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities. There is no charge to place or lift a security freeze.

To place a security freeze on your credit report, contact each of the three major consumer reporting agencies using the contact information listed below:

3 MAJOR CREDIT BUREAUS / CONSUMER REPORTING AGENCIES

Equifax

P.O. Box 105788
Atlanta, GA 30348
1-800-525-6285
www.equifax.com

Experian

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

TransUnion

P.O. Box 2000
Chester, PA 19022
1-800-680-7289
www.transunion.com

To request a security freeze, you will need to provide the following:

- Your full name (including middle initial as well as Jr., Sr., II, III, etc.), Social Security number, and date of birth;
- If you have moved in the past five (5) years, the addresses where you have lived over the prior five years;
- Proof of current address, such as a current utility bill or telephone bill;
- A legible photocopy of a government issued identification card (state driver’s license or ID card, military identification, etc.); and
- 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.

If you request a security freeze via toll-free telephone or other secure electronic means, the credit reporting agencies have one (1) business day after receiving the request to place the freeze. In the case of a request made by mail, the bureaus have three (3) business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze. To lift the security freeze to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies 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, as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have up to three (3) business days after receiving a request to lift the security freeze for those identified entities or for the specified period of time. 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 up to three (3) business days after receiving the request to remove the freeze.

- **PLACE FRAUD ALERTS ON YOUR CREDIT FILE.** As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit 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 an alert lasting 7 years. Contact the credit reporting agencies listed above to activate an alert.

- **REMAIN VIGILANT: REVIEW YOUR ACCOUNT STATEMENTS, & REPORT FRAUD.** As a precautionary measure, we recommend that you remain vigilant to protect against potential fraud and/or identity theft by, among other things, carefully reviewing your credit reports, debit/credit card, insurance policy, bank account and other account statements. Activate alerts on your bank accounts to notify you of suspicious activity. Report suspicious or fraudulent charges to your insurance statements, credit report, credit card or bank accounts to your insurance company, bank/credit card vendor and law enforcement. (For Oregon & Iowa residents: Report any suspected identity theft to law enforcement, Federal Trade Commission, and your State Attorney General.)
- **ORDER YOUR FREE ANNUAL CREDIT REPORTS.** Visit www.annualcreditreport.com or call 877-322-8228 to obtain one free copy of your credit report annually. Periodically review a copy of your credit report for discrepancies and identify any accounts you did not open or inquiries you did not authorize. (For Colorado, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont residents: You may obtain additional copies of your credit report, free of charge. You must contact each of the three credit reporting agencies directly to obtain such additional reports.)
- **FILE OR OBTAIN A POLICE REPORT.** You have the right to file or obtain a police report if you experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide proof that you have been a victim. A police report is often required to dispute fraudulent items. You can generally report incidents of identity theft to local law enforcement or to the Attorney General.
- **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT FROM FTC / STATE ATTORNEY GENERAL.** Go to <http://www.experian.com/credit-advice/topic-fraud-and-identity-theft.html>. The Federal Trade Commission also provides information at www.ftc.gov/idtheft. The FTC can be reached by phone: 1 - 877-438-4338; TTY: 1-866-653-4261 or by writing: 600 Pennsylvania Ave., NW, Washington, D.C. 20580. Your State Attorney General also may provide information. **For residents of North Carolina:** The North Carolina Office of the General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226, and www.ncdoj.com. **For residents of Maryland:** The Maryland Office of the Attorney General can be contacted at 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023, and www.oag.state.md.us. **For residents of New York:** The Attorney General may be contacted at: Office of Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov/>. **For residents of Rhode Island:** The Rhode Island Office of the Attorney General can be contacted 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 regarding this incident. **For residents of Washington, D.C.:** The Attorney General may be contacted at: 400 6th Street NW, Washington, D.C. 20001; (202) 727-3400; and, <https://oag.dc.gov/>.
- **FAIR CREDIT REPORTING ACT:** You also have rights under the federal Fair Credit Reporting Act (FCRA), which promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. The FTC has published a list of the primary rights created by the FCRA (<https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>), and that article refers individuals seeking more information to visit www.ftc.gov/credit. The FTC's list includes the following FCRA rights: (1) To receive a copy of your credit report, which must contain all the information in your file at the time of your request; (2) To receive a free copy of your credit report, at your request, once every 12 months from each of the nationwide credit reporting companies – Equifax, Experian, and TransUnion; (3) To receive a free credit report if a company takes adverse action against you (e.g. denying your application for credit, insurance, or employment), and you ask for your report within 60 days of receiving notice of the action. The notice will give you the name, address, and phone number of the credit reporting company. You are also entitled to one free report a year if you are unemployed and plan to look for a job within 60 days; if you are on welfare; or if your report is inaccurate because of fraud, including identity theft; (4) To ask for a credit score; (5) To dispute incomplete or inaccurate information; (6) To obtain corrections to your report or delete inaccurate, incomplete, or unverifiable information; (7) Consumer reporting agencies may not report outdated negative information; (8) To restrict access to your file and to require consent from you for reports to be provided to employer; (9) To limit “prescreened” offers of credit and insurance you receive based on information in your credit report; and (10) To seek damages from violators. Please note that identity theft victims and active duty military personnel may have additional rights under the FCRA.