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October 27, 2023

VIA EMAIL (DOJ-CPB@DOJ.NH.GOV)

Attorney General John Formella
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Incident Notification

Dear Sir or Madam:

We are writing on behalf of our clients, Five Guys Enterprises, LLC and Five Guys Operations, LLC (collectively, “Five Guys”), to provide notice to your office concerning a security incident involving three New Hampshire residents.

Five Guys recently completed an investigation into an incident that involved unauthorized access to the email accounts of two employees. Upon learning of the unauthorized access, Five Guys immediately implemented its incident response plan, took steps to secure the accounts, and launched an investigation. A cybersecurity firm that has assisted other companies in similar situations was engaged. The investigation identified unauthorized access to one email account that occurred between March 20, 2023 and March 31, 2023 and to the second email account that occurred between May 31, 2023 and June 7, 2023. Five Guys reviewed the emails and attachments that could have been accessed or viewed in the accounts and, on September 20, 2023, determined that an email or attachment contained the name and Social Security number of three New Hampshire residents.

Beginning on October 27, 2023, Five Guys will mail notification letters via First Class mail to the involved New Hampshire residents. A copy of the notification letter is attached. Five Guys is providing the involved New Hampshire residents a complimentary, one-year membership to credit monitoring and identity theft protection services. Five Guys has also established a dedicated, toll-free call center that individuals can call to obtain more information regarding the incident.

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Multifactor authentication was enabled for both accounts at the time of the incident. To prevent something like this from happening again, Five Guys has taken steps to further to enhance our existing security measures.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Craig A. Hoffman
Partner

Attachment

FIVE GUYS®

P.O. Box 989728
West Sacramento, CA 95798-9728

<<First Name>> <<Last Name>>
<<Address1>>
<<Address2>>
<<City>>, <<State>> <<Zip>>

October 27, 2023

Dear <<First Name>> <<Last Name>>:

Five Guys Enterprises, LLC (“Five Guys”) understands the importance of protecting the information we maintain. We are writing to inform you that we recently identified and addressed a security incident that may have involved your information. This letter explains the incident, measures we have taken, and some steps you may choose to take.

We recently completed an investigation into an incident that involved unauthorized access to the email accounts of two employees. Upon learning of the unauthorized access, we immediately implemented our incident response plan, took steps to secure the accounts, and launched an investigation. A cybersecurity firm that has assisted other companies in similar situations was engaged. The investigation identified unauthorized access to one email account that occurred between March 20, 2023 and March 31, 2023 and to the second email account that occurred between May 31, 2023 and June 7, 2023. We reviewed the emails and attachments that could have been accessed or viewed in the accounts and, on September 20, 2023, determined that an email or attachment contained your name and <<Variable Data Elements>>.

We wanted to notify you of this incident and to assure you that we take it seriously. We have arranged for you to receive credit monitoring and identity protection services through the company IDX at no cost to you. These identity protection services include one year of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identity theft recovery services. These services are completely free to you and enrolling in this program will not hurt your credit score. **For more information on the services, including instructions on how to activate your complimentary one-year membership, please visit <https://app.idx.us/account-creation/protect> or call (888) 861-8760 or scan the QR code and use the Enrollment Code provided above. Please note the deadline to enroll is** . For more information on identity protection and steps you can take in response, please see the additional information provided with this letter.

We regret that this incident occurred and apologize for any inconvenience. To prevent something like this from happening again, we have taken steps to further to enhance our existing security measures. If you have any questions, please call (888) 861-8760, Monday through Friday, from 9:00 a.m. to 9:00 p.m. Eastern Time.

Sincerely,

Sam Chamberlain
Chief Operating Officer

ADDITIONAL STEPS YOU CAN TAKE

We remind you it is always advisable to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. You may obtain a copy of your credit report, free of charge, once every _____ from each of the three nationwide credit reporting companies. To order your annual free credit report, please visit www.annualcreditreport.com or call toll free at 1-877-322-8228. Contact information for the three nationwide credit reporting companies is as follows:

Equifax, PO Box 740241, Atlanta, GA 30374, www.equifax.com, 1-888-378-4329
Experian, PO Box 2002, Allen, TX 75013, www.experian.com, 1-888-397-3742
TransUnion, PO Box 1000, Chester, PA 19016, www.transunion.com, 1-800-916-8800

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 state. You can obtain information from these sources about steps an individual can take to avoid identity theft as well as information about fraud alerts and security freezes. You should also contact your local law enforcement authorities and file a police report. Obtain a copy of the police report in case you are asked to provide copies to creditors to correct your records. Contact information for the Federal Trade Commission is as follows:

Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580, 1-877-IDTHEFT (438-4338), www.identitytheft.gov

Fraud Alerts and Security Freezes

Fraud Alerts: There are two types of general fraud alerts you can place on your credit report to put your creditors on notice that you may be a victim of fraud—an initial alert and an extended alert. You may ask that an initial fraud alert be placed on your credit report if you suspect you have been, or are about to be, a victim of identity theft. An initial fraud alert stays on your credit report for one year. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years.

To place a fraud alert on your credit reports, contact one of the nationwide credit bureaus. A fraud alert is free. The credit bureau you contact must tell the other two, and all three will place an alert on their versions of your report.

For those in the military who want to protect their credit while deployed, an Active Duty Military Fraud Alert lasts for one year and can be renewed for the length of your deployment. The credit bureaus will also take you off their marketing lists for pre-screened credit card offers for two years, unless you ask them not to.

Credit or Security Freezes: You have the right to put a credit freeze, also known as a security freeze, on your credit file, free of charge, which makes it more difficult for identity thieves to open new accounts in your name. That's because most creditors need to see your credit report before they approve a new account. If they can't see your report, they may not extend the credit.

How do I place a freeze on my credit reports? There is no fee to place or lift a security freeze. Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit reporting company. For information and instructions to place a security freeze, contact each of the credit reporting agencies at the addresses below:

Equifax Security Freeze, PO Box 105788, Atlanta, GA 30348, www.equifax.com
Experian Security Freeze, PO Box 9554, Allen, TX 75013, www.experian.com
TransUnion Security Freeze, PO Box 160, Woodlyn, PA 19094, www.transunion.com

You'll need to supply your name, address, date of birth, Social Security number and other personal information.

After receiving your freeze request, each credit bureau will provide you with a unique PIN (personal identification number) or password. Keep the PIN or password in a safe place. You will need it if you choose to lift the freeze.

How do I lift a freeze? A freeze remains in place until you ask the credit bureau to temporarily lift it or remove it altogether. If the request is made online or by phone, a credit bureau must lift a freeze within one hour. If the request is made by mail, then the bureau must lift the freeze no later than three business days after getting your request.

If you opt for a temporary lift because you are applying for credit or a job, and you can find out which credit bureau the business will contact for your file, you can save some time by lifting the freeze only at that particular credit bureau. Otherwise, you need to make the request with all three credit bureaus.

Five Guys is located at 10718 Richmond Hwy, Lorton, Virginia 22079 and can be reached at 866-345-4897.

Additional information for residents of the following states:

Maryland: You may contact and obtain information from your state attorney general at: *Maryland Attorney General's Office*, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023 / 1-410-576-6300, www.oag.state.md.us

New York: You may contact and obtain information from these state agencies: *New York Department of State Division of Consumer Protection*, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, 518-474-8583 / 1-800-697-1220, <http://www.dos.ny.gov/consumerprotection>; and *New York State Office of the Attorney General*, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov>

North Carolina: You may contact and obtain information from your state attorney general at: *North Carolina Attorney General's Office*, 9001 Mail Service Centre, Raleigh, NC 27699, 1-919-716-6000 / 1-877-566-7226, www.ncdoj.gov

Rhode Island: This incident involves 5 individuals in Rhode Island. Under Rhode Island law, you have the right to file and obtain a copy of a police report. You also have the right to request a security freeze, as described above. You may contact and obtain information from your state attorney general at: *Rhode Island Attorney General's Office*, 150 South Main Street, Providence, RI 02903, 1-401-274-4400, www.riag.ri.gov

West Virginia: You have the right to ask that nationwide consumer reporting agencies place "fraud alerts" in your file to let potential creditors and others know that you may be a victim of identity theft, as described above. You also have a right to place a security freeze on your credit report, as described above.

A Summary of Your Rights Under the Fair Credit Reporting Act: The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Your major rights under the FCRA are summarized below. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

You must be told if information in your file has been used against you.

You have the right to know what is in your file.

You have the right to ask for a credit score.

You have the right to dispute incomplete or inaccurate information.

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 reports to be provided to employers.

You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.

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.

You may seek damages from violators.

Identity theft victims and active duty military personnel have additional rights.