



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

426 W. Lancaster Avenue, Suite 200
Devon, PA 19333

July 20, 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 FXI Inc. ("FXI") located at 100 Matsonford Road, 5 Radnor Corporate Center Suite 300, Radnor, PA 19087 and are writing to notify your office of an incident that may affect the security of certain personal information relating to seven (7) New Hampshire residents. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, FXI 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.

Nature of the Data Event

On June 23, 2023, FXI identified suspicious activity in its environment and immediately launched an investigation with the assistance of third-party forensic specialists to determine the nature and scope of the activity. The investigation determined that there was unauthorized access to the FXI environment between June 17, 2023, and June 23, 2023, and certain information was acquired from its systems without authorization during this time. FXI undertook a thorough review of the data involved to assess if any sensitive information could be affected and to whom it related. On June 26, 2023, FXI determined the acquired data contained personal information related to its current and former employees.

The information that could have been subject to unauthorized access includes

Notice to New Hampshire Residents

On July 20, 2023, FXI began providing written notice of this incident to seven (7) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, FXI moved quickly to investigate and respond to the incident, assess the security of its systems, and identify the affected individuals. Further, FXI notified federal law enforcement regarding the event. FXI is also working to implement additional safeguards to further secure its systems. FXI is providing access to credit monitoring services for _____, through Experian, to individuals whose personal information was affected by this incident, at no cost to these individuals.

FXI is providing impacted individuals with guidance on how to better protect against identity theft and fraud. FXI is also 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.

FXI is providing written notice of this incident to relevant state regulators as required.

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,

Rebecca J. Jones of
MULLEN COUGHLIN LLC

RJJ/scs
Enclosure

EXHIBIT A



Return Mail Processing
PO Box 999
Suwanee, GA 30024

1 1 1 *****AUTO**MIXED AADC 300
SAMPLE A. SAMPLE - L01



APT ABC
123 ANY ST
ANYTOWN, US 12345-6789



July 20, 2023

NOTICE OF [DATA BREACH] / [DATA PRIVACY EVENT]

Dear Sample A. Sample:

FXI, Inc. ("FXI") writes to notify you of an incident that affects the privacy of some of your information. This letter provides details of the incident, our response, and steps you may take to further protect against the possible misuse of your information, should you wish to do so.

What Happened? FXI recently identified suspicious activity in our environment and immediately launched an investigation with the assistance of third-party forensic specialists to determine the nature and scope of the activity. Our investigation determined that there was unauthorized access to our environment between June 17, 2023, and June 23, 2023, and certain information was acquired from our systems without authorization during this time. We undertook a thorough review of the data involved to assess if any sensitive information could be affected and to whom it related. On June 26, 2023, we determined the acquired data contained certain information related to you.

What Information Was Involved? We determined the type of information impacted by this incident includes your

What We Are Doing. We take the confidentiality, privacy, and security of information in our care seriously. Upon discovery of the incident, we immediately commenced an investigation and took steps to implement additional safeguards to further secure our systems.

While we have no evidence of any fraudulent misuse of information in connection with this incident, we are providing you with access to _____ of credit monitoring and identity protection services through Experian at no cost to you. A description of the services and instructions on how to enroll can be found within the enclosed *Steps You Can Take to Protect Personal Information*. Please note that you must complete the enrollment process yourself as we are not permitted to automatically enroll you in these services.

What You Can Do. You can review the enclosed *Steps You Can Take to Protect Personal Information* for general guidance. In addition, you can enroll in the complimentary credit monitoring and identity protection services being offered through Experian. We also encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity.

For More Information. We understand you may have questions about the incident that are not addressed in this letter. Please call _____ toll-free Monday through Friday from 9:00 AM – 11:00 PM Eastern, or Saturday and Sunday from 11:00 AM – 8:00 PM Eastern (excluding major U.S. holidays). Be prepared to provide your engagement number B098691.

Sincerely,
FXI, Inc.

STEPS YOU CAN TAKE TO PROTECT PERSONAL 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 www.ExperianIDWorks.com/restoration.

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:

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 _____. 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, . 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 may need to provide the following information, depending on whether the request is made online, by phone, or by mail:

1. Full name (including middle initial, as well as Jr., Sr., II, III, etc.);
2. Social Security number or copy of Social Security card;
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; 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.

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