



May 10, 2023

**VIA ELECTRONIC SUBMISSION**

Attorney General John Formella  
Office of the Attorney General  
Consumer Protection Bureau  
33 Capitol Street  
Concord, NH 03301  
Phone: (603) 271-3643  
Fax: (603) 271-2110

**Re: Notice of Data Security Incident**

To Whom It May Concern:

Constangy, Brooks, Smith & Prophete LLP (“Constangy”) represents Kinetic Investment Management, Inc. (“Kinetic”) a corporation based in Los Angeles, California, in conjunction with the recent data security incident described in greater detail below. The purpose of this letter is to notify you of the incident in accordance with the New Hampshire data breach notification statute.

**1. Nature of the Security Incident**

On October 27, 2022, Kinetic discovered unusual network activity that disrupted access to certain systems. Upon discovering this activity, Kinetic immediately took steps to secure its network and launched an investigation with the assistance of independent cybersecurity experts to determine what happened and whether sensitive information may have been affected. As a result of this investigation, Kinetic learned certain personal information may have been accessed or acquired without authorization during the incident. On or about April 19, 2023, Kinetic completed a comprehensive review of the impacted data potentially containing personal information through which Kinetic identified certain personal information as potentially involved. Kinetic then worked diligently to identify current contact information to issue notification to relevant individuals.

**2. Type of Information and Number of New Hampshire Residents Notified**

The data sets potentially accessible by the malicious actor(s) responsible for this incident included

. On May 10, 2023, Kinetic notified 12 New Hampshire residents of this data security incident via U.S. First-Class Mail. A sample copy of the notification letter sent to potentially impacted individuals is included with this correspondence.

**3. Steps Taken Relating to the Incident**

Kinetic has implemented additional security measures in an effort to prevent a similar incident from occurring in the future. Further, as referenced in the sample consumer notification letter, Kinetic has offered notified individuals 12 months of complimentary services through Kroll, which include credit monitoring, dark web monitoring, a \$1 million identity fraud loss reimbursement policy, and fully-managed identity theft recovery services.

#### **4. Contact Information**

Kinetic remains dedicated to protecting the personal information in its possession. If you have any questions or need additional information, please do not hesitate to contact me at

Best regards,

Very truly yours,

Todd Rowe of  
CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

Encl: Sample Adult Consumer Notification Letter



Kinetic Agency  
4140 SW Watson Ave. Suite 400  
Beaverton, OR 97005

To Enroll, Please Call:  
1-800-939-4170  
Or Visit:  
<https://app.idx.us/account-creation/protect>  
Enrollment Code: <<XXXXXXXXXX>>

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

May 10, 2023

Subject: Notice of Data <<Variable Text 2>>

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

Kinetic Agency (“Kinetic”) is writing to inform you of a recent data security incident that may have involved your personal information. Kinetic takes the privacy and security of all information within its possession very seriously. We are writing to notify you about the incident, provide you with information about steps you can take to help protect your personal information, and offer you the opportunity to enroll in complimentary identity protection services that Kinetic is making available to you.

**What Happened?** On October 27, 2022, Kinetic discovered unusual network activity. Upon discovering this activity, Kinetic immediately took steps to secure our network and launched an investigation with the assistance of independent cybersecurity experts to determine what happened and whether sensitive information may have been affected. The investigation subsequently revealed that certain personal information may have been accessed or acquired without authorization during the incident. On or about April 19, 2023, we completed a comprehensive review of the impacted data potentially containing personal information which identified your information as potentially involved. We then took steps to notify you of the incident as quickly as possible. <<Variable Text 3>>.

**What Information Was Involved?** The information that may have been impacted includes <<Variable Text 1>>.

**What Are We Doing?** As soon as we discovered this incident, we took the steps described above. We also implemented additional security measures to help reduce the risk of a similar incident occurring in the future. We are further notifying you of this event and advising you about steps you can take to help protect your information.

In addition, out of an abundance of caution, we are offering you complimentary identity protection services through IDX – a data breach and recovery services expert. These services include <<12/24>> months of credit<sup>1</sup> and dark web monitoring, a \$1 million identity fraud loss reimbursement policy, and fully managed identity theft recovery services. Please note that the deadline to enroll in these services is August 10, 2023.

**What Can You Do?** Kinetic recommends that you review the guidance included with this letter about how to protect your information. You can also enroll in the complimentary identity protection services being offered to you by using the Enrollment Code provided above.

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<sup>1</sup> To receive credit monitoring 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.

**For More Information:** Further information about how to help protect your information appears on the following page. If you have questions about this matter or need assistance enrolling in the complimentary services being offered to you, please call IDX at 1-800-939-4170 from 8:00 A.M. to 8:00 P.M. Central Time, Monday through Friday (excluding holidays).

We take your trust in us and this matter very seriously. Please accept our sincere apologies for any worry or inconvenience that this may cause you.

Sincerely,

Compliance Department  
Kinetic Agency

## STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

**Review Your Account Statements and Notify Law Enforcement of Suspicious Activity:** As a precautionary measure, we recommend that you remain vigilant by reviewing your account statements and credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You also should promptly report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, your state attorney general, and/or the Federal Trade Commission (FTC).

**Copy of Credit Report:** You may obtain a free copy of your credit report from each of the three major credit reporting agencies once every 12 months by visiting <http://www.annualcreditreport.com/>, calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You also can contact one of the following three national credit reporting agencies:

**Equifax**

P.O. Box 105851  
Atlanta, GA 30348  
1-800-525-6285  
[www.equifax.com](http://www.equifax.com)

**Experian**

P.O. Box 9532  
Allen, TX 75013  
1-888-397-3742  
[www.experian.com](http://www.experian.com)

**TransUnion**

P.O. Box 1000  
Chester, PA 19016  
1-800-916-8800  
[www.transunion.com](http://www.transunion.com)

**Fraud Alert:** You may want to consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least one year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three credit reporting agencies identified above. Additional information is available at <http://www.annualcreditreport.com>.

**Security Freeze:** You have the right to put a security freeze on your credit file for up to one year at no cost. This will prevent new credit from being opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. A security freeze is designed to prevent potential creditors from accessing your credit report without your consent. As a result, using a security freeze may interfere with or delay your ability to obtain credit. You must separately place a security freeze on your credit file with each credit reporting agency. In order to place a security freeze, you may be required to provide the consumer reporting agency with information that identifies you including your full name, Social Security number, date of birth, current and previous addresses, a copy of your state-issued identification card, and a recent utility bill, bank statement or insurance statement.

**Additional Free Resources:** You can obtain information from the consumer reporting agencies, the FTC, or from your respective state Attorney General about fraud alerts, security freezes, and steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, including to the FTC or to the Attorney General in your state.

**Federal Trade Commission**

600 Pennsylvania Ave, NW  
Washington, DC 20580  
[consumer.ftc.gov](http://consumer.ftc.gov), and  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)  
1-877-438-4338

**Maryland Attorney General**

200 St. Paul Place  
Baltimore, MD 21202  
[oag.state.md.us](http://oag.state.md.us)  
1-888-743-0023

**New York Attorney General**

Bureau of Internet and Technology  
Resources  
28 Liberty Street  
New York, NY 10005  
1-212-416-8433

**North Carolina Attorney General**

9001 Mail Service Center  
Raleigh, NC 27699  
[ncdoj.gov](http://ncdoj.gov)  
1-877-566-7226

**Rhode Island Attorney General**

150 South Main Street  
Providence, RI 02903  
<http://www.riag.ri.gov>  
1-401-274-4400

**Washington D.C. Attorney General**

441 4th Street, NW  
Washington, DC 20001  
[oag.dc.gov](http://oag.dc.gov)  
1-202-727-3400

**You also have certain rights under the Fair Credit Reporting Act (FCRA):** These rights include to know what is in your file; to dispute incomplete or inaccurate information; to have consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information; as well as other rights. For more information about the FCRA, and your rights pursuant to the FCRA, please visit <https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>.