



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

RECEIVED  
FEB 20 2018  
CONSUMER PROTECTION

Christopher J. Dilenno  
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1275 Drummers Lane, Suite 302  
Wayne, PA 19087

February 15, 2018

**INTENDED FOR ADDRESSEE(S) ONLY**

**VIA U.S. MAIL**

Attorney General Gordon J. MacDonald  
Office of the New Hampshire Attorney General  
Attn: Security Breach Notification  
33 Capitol Street  
Concord, NH 03301

**Re: Notice of Data Event**

Dear Attorney General MacDonald:

We represent LendKey Technologies, Inc. ("LendKey"), 104 W 27<sup>th</sup> Street, Floor 4, New York, NY 10001, and are writing to notify your office of an incident that may affect the security of personal information relating to twenty-three (23) New Hampshire residents. The investigation into this incident is ongoing, and this notice will be supplemented as appropriate. By providing this notice, LendKey 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**

LendKey operates an online lending platform for consumers to apply for and receive loans from credit unions and community banks. On or about December 21, 2017, LendKey learned that certain consumer loan application data, sent from the consumers by email and contained on one of LendKey's servers, may have been accessible to the internet since June 27, 2016. The issue was isolated to one LendKey server and did not affect their other systems or the systems of their financial institution partners. Upon discovery, on December 21, 2017, LendKey promptly changed the server settings to secure the involved data. LendKey also retained the services of a computer security firm to assist in determining the full nature and scope of the incident.

**Notice to New Hampshire Residents**

On January 25, 2018, LendKey confirmed, after a programmatic and manual review of the affected server, that identifiers such as the first and last name, date of birth, Social Security number, and driver's license number relating to twenty-three (23) New Hampshire residents were contained in the affected server. LendKey reported the incident to its client credit unions and community banks. LendKey is providing

Attorney General Gordon J. MacDonald  
February 15, 2018  
Page 2

written notice of this incident to those impacted, including twenty-three (23) New Hampshire residents on or about February 15, 2018, in substantially the same form as the letter attached hereto as **Exhibit A**.

#### **Other Steps Taken and To Be Taken**

LendKey is providing impacted individuals access to 24 months of complimentary credit monitoring and identity restoration services with AllClear ID, and has established a dedicated toll-free number for individuals to contact with questions or concerns regarding this incident. Additionally, LendKey is providing these individuals with helpful information on how to protect against identity theft and fraud, including how to place a fraud alert and security freeze on one's credit file, the contact information for the national consumer reporting agencies, 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, state attorney general, and law enforcement to report attempted or actual identity theft and fraud. LendKey is providing notice of this incident to consumer reporting agencies and state Attorneys General as required.

#### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at 267-930-4775.

Very truly yours,

A handwritten signature in black ink, appearing to read "C DiIenno", written in a cursive style.

Christopher J. DiIenno of  
MULLEN COUGHLIN LLC

# **EXHIBIT A**

# LendKey

Processing Center • P.O. BOX 141578 • Austin, TX 78714



00001  
ACD1234

00001  
JOHN Q. SAMPLE  
1234 MAIN STREET  
ANYTOWN US 12345-6789

February 15, 2018

**Re: Notice of Data Privacy Event**

Dear John Sample:

We are writing to inform you of a recently discovered matter that impacted the security of certain information related to you. We are providing information about this matter, steps we have taken to address the incident, and ways in which you can protect your information.

**What Happened?** LendKey Technologies, Inc. (“LendKey”) operates an online lending platform for consumers to apply for and receive loans from credit unions and community banks. On or about December 21, 2017, LendKey learned that certain consumer loan application data sent by email, and contained on one of our computer servers, may have been accessible to the internet since June 27, 2016. This issue was isolated to LendKey and did not affect the systems of our financial institution partners. Upon discovery, we promptly repaired the affected server and launched an internal investigation. We also retained the services of a computer security firm to assist in determining what happened.

**What Information was Involved?** Our review determined that the following information relating to you was contained in the affected server: **Social Security number** and your name.

**What We Are Doing?** The confidentiality, privacy, and security of personal and financial information in our care is one of our highest priorities. When we discovered this incident, we immediately took steps to terminate any unauthorized access, determined how this event occurred, and confirmed what personal data may have been at risk as a result of this incident. Additionally, we have been working to ensure the security of our systems and to prevent something like this from happening again.

**What You Can Do.** You can review the enclosed *Steps You Can Take to Protect Against Identity Theft and Fraud*, which contains instructions on how to enroll and receive free credit monitoring and identity restoration services, as well as information on what you can do to better protect yourself against the possibility of identity theft and fraud should you feel it is appropriate to do so.



01-02-1-00

***For More Information.*** We sincerely regret any inconvenience or concern this may cause. If you have any questions, please contact our incident response partner, AllClear ID at 1-855-303-6661, Monday through Saturday from 8:00 a.m. to 8:00 p.m. Central Standard Time.

Sincerely,

A handwritten signature in black ink, appearing to be 'V. Passione', written in a cursive style.

Vince Passione  
Chief Executive Officer

Encl



### ***Steps You Can Take to Protect Against Identity Theft and Fraud***

As an added precaution, we have arranged to have AllClear ID protect your identity for 24 months at no cost to you. The following identity protection services start on the date of this notice and you can use them at any time during the next 24 months.

**AllClear Identity Repair:** This service is automatically available to you with no enrollment required. If a problem arises, simply call 1-855-303-6661 and a dedicated investigator will help recover financial losses, restore your credit and make sure your identity is returned to its proper condition.

**AllClear Fraud Alerts with Credit Monitoring:** This service offers the ability to set, renew, and remove 90-day fraud alerts on your credit file to help protect you from credit fraud. In addition, it provides credit monitoring services, a once annual credit score and credit report, and a \$1 million identity theft insurance policy. To enroll in this service, you will need to provide your personal information to AllClear ID. You may sign up online at [enroll.allclearid.com](http://enroll.allclearid.com) or by phone by calling 1-855-303-6661 using the following redemption code: Redemption Code.

**Please note:** Following enrollment, additional steps are required by you in order to activate your phone alerts and fraud alerts, and to pull your credit score and credit file. Additional steps may also be required in order to activate your monitoring options.

We 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. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

At no charge, you can also have these credit bureaus place a "fraud alert" on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. Note, however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, please contact any one of the agencies listed below.

Equifax  
P.O. Box 105069  
Atlanta, GA 30348  
800-525-6285  
[www.equifax.com](http://www.equifax.com)

Experian  
P.O. Box 2002  
Allen, TX 75013  
888-397-3742  
[www.experian.com](http://www.experian.com)

TransUnion  
P.O. Box 2000  
Chester, PA 19022-2000  
800-680-7289  
[www.transunion.com](http://www.transunion.com)

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer's credit report without the consumer's written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services. If you have been a victim of identity theft, and you provide the credit bureau with a valid police report, it cannot charge you to place, list or remove a security freeze. In all other cases, a credit bureau may charge you a fee to place, temporarily lift, or permanently remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place a freeze on all of your credit files. To find out more on how to place a security freeze, you can use the following contact information:



Equifax Security Freeze  
P.O. Box 105788  
Atlanta, GA 30348  
1-800-685-1111  
<https://www.freeze.equifax.com>

Experian Security Freeze  
P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742  
[www.experian.com/freeze/  
center.html](http://www.experian.com/freeze/center.html)

TransUnion  
P.O. Box 2000  
Chester, PA 19022-2000  
1-888-909-8872  
[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

You can further educate yourself regarding identity theft, fraud alerts, and the steps you can take to protect yourself, by contacting the Federal Trade Commission or your state Attorney General. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. 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 crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement. This notice has not been delayed by law enforcement. **For Maryland residents**, the Attorney General can be reached at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-888-743-0023; and [www.oag.state.md.us](http://www.oag.state.md.us). **For North Carolina residents**, the Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400; and online at [www.ncdoj.gov](http://www.ncdoj.gov). **For Rhode Island residents**, the Attorney General can be contacted by mail at 150 South Main Street, Providence, RI 02903; by phone at (401) 274-4400; and online at [www.riag.ri.gov](http://www.riag.ri.gov). A total of 14 Rhode Island resident(s) may be impacted by 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 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 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](http://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. 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.

# LendKey

Processing Center • P.O. BOX 141578 • Austin, TX 78714



02238  
JOHN Q. SAMPLE  
1234 MAIN STREET  
ANYTOWN US 12345-6789

February 15, 2018

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**What Information was Involved?** Our review determined that the following information relating to you was contained in the affected server: **Social Security number, State ID or driver's license number** and your name.

**What We Are Doing?** The confidentiality, privacy, and security of personal and financial information in our care is one of our highest priorities. When we discovered this incident, we immediately took steps to terminate any unauthorized access, determined how this event occurred, and confirmed what personal data may have been at risk as a result of this incident. Additionally, we have been working to ensure the security of our systems and to prevent something like this from happening again.

**What You Can Do.** You can review the enclosed *Steps You Can Take to Protect Against Identity Theft and Fraud*, which contains instructions on how to enroll and receive free credit monitoring and identity restoration services, as well as information on what you can do to better protect yourself against the possibility of identity theft and fraud should you feel it is appropriate to do so.



01-02-2-00



***For More Information.*** We sincerely regret any inconvenience or concern this may cause. If you have any questions, please contact our incident response partner, AllClear ID at 1-855-303-6661, Monday through Saturday from 8:00 a.m. to 8:00 p.m. Central Standard Time.

Sincerely,

A handwritten signature in black ink, appearing to be 'V. Passione', written in a cursive style.

Vince Passione  
Chief Executive Officer

Encl

### *Steps You Can Take to Protect Against Identity Theft and Fraud*

As an added precaution, we have arranged to have AllClear ID protect your identity for 24 months at no cost to you. The following identity protection services start on the date of this notice and you can use them at any time during the next 24 months.

**AllClear Identity Repair:** This service is automatically available to you with no enrollment required. If a problem arises, simply call 1-855-303-6661 and a dedicated investigator will help recover financial losses, restore your credit and make sure your identity is returned to its proper condition.

**AllClear Fraud Alerts with Credit Monitoring:** This service offers the ability to set, renew, and remove 90-day fraud alerts on your credit file to help protect you from credit fraud. In addition, it provides credit monitoring services, a once annual credit score and credit report, and a \$1 million identity theft insurance policy. To enroll in this service, you will need to provide your personal information to AllClear ID. You may sign up online at [enroll.allclearid.com](http://enroll.allclearid.com) or by phone by calling 1-855-303-6661 using the following redemption code: Redemption Code.

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We 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. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

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Equifax  
P.O. Box 105069  
Atlanta, GA 30348  
800-525-6285  
[www.equifax.com](http://www.equifax.com)

Experian  
P.O. Box 2002  
Allen, TX 75013  
888-397-3742  
[www.experian.com](http://www.experian.com)

TransUnion  
P.O. Box 2000  
Chester, PA 19022-2000  
800-680-7289  
[www.transunion.com](http://www.transunion.com)

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer's credit report without the consumer's written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services. If you have been a victim of identity theft, and you provide the credit bureau with a valid police report, it cannot charge you to place, list or remove a security freeze. In all other cases, a credit bureau may charge you a fee to place, temporarily lift, or permanently remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place a freeze on all of your credit files. To find out more on how to place a security freeze, you can use the following contact information:



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Atlanta, GA 30348  
1-800-685-1111  
<https://www.freeze.equifax.com>

Experian Security Freeze  
P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742  
[www.experian.com/freeze/center.html](http://www.experian.com/freeze/center.html)

TransUnion  
P.O. Box 2000  
Chester, PA 19022-2000  
1-888-909-8872  
[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

You can further educate yourself regarding identity theft, fraud alerts, and the steps you can take to protect yourself, by contacting the Federal Trade Commission or your state Attorney General. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. 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 crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement. This notice has not been delayed by law enforcement. **For Maryland residents**, the Attorney General can be reached at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-888-743-0023; and [www.oag.state.md.us](http://www.oag.state.md.us). **For North Carolina residents**, the Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400; and online at [www.ncdoj.gov](http://www.ncdoj.gov). **For Rhode Island residents**, the Attorney General can be contacted by mail at 150 South Main Street, Providence, RI 02903; by phone at (401) 274-4400; and online at [www.riag.ri.gov](http://www.riag.ri.gov). A total of 14 Rhode Island resident(s) may be impacted by 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 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 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](http://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. 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.