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APR 27 2021

BakerHostetler

CONSUMER PROTECTION

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April 26, 2021

VIA OVERNIGHT MAIL

Attorney General Gordon MacDonald
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Incident Notification

Dear Attorney General MacDonald:

We are writing on behalf of our client, Lexus of Smithtown (“Lexus”), to notify you of a security incident potentially involving one New Hampshire resident. Lexus is a car dealership located in St. James, New York.

On September 10, 2020, Lexus discovered suspicious activity within its email environment. Upon discovering the incident, Lexus immediately took steps to secure its email accounts, a cybersecurity firm was engaged, and a thorough investigation was conducted. The investigation determined that there was unauthorized access to certain employee email accounts on September 10, 2020. The investigation was unable to determine whether any emails or attachments were actually viewed during that time. As such, Lexus reviewed the contents of the involved email accounts to identify the specific individuals whose information they contained. Lexus completed the review process on January 21, 2021. Lexus then analyzed the results and determined that an email or attachment contained personal information pertaining to one New Hampshire resident, including the resident’s name and driver’s license number.

Beginning today, April 26, 2021, Lexus is providing written notice to the New Hampshire resident by mailing a letter via United States Postal Service First-Class mail.¹ A sample copy of the notification letter is enclosed. Lexus is offering a complimentary, one-year membership of

¹ This report does not waive Lexus’ objection that New Hampshire lacks personal jurisdiction over it related to any claims that may arise from this incident.

April 26, 2021

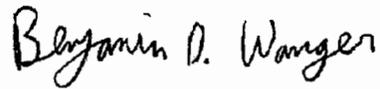
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credit monitoring and identity theft prevention services provided by Experian to the New Hampshire resident. Lexus is also recommending that individuals remain vigilant to the possibility of fraud by reviewing their account statements for unauthorized activity. In addition, Lexus established a dedicated phone number where the individuals may obtain more information regarding the incident.

To help prevent a similar incident from occurring in the future, Lexus has implemented additional measures and changes to enhance the security of its network.

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

Sincerely,

A handwritten signature in black ink that reads "Benjamin D. Wanger". The signature is written in a cursive style with a large initial 'B'.

Benjamin D. Wanger
Counsel

Enclosure

Lexus of Smithtown
Mail Handling Services
777 E Park Dr
Harrisburg, PA 17111



LEXUS OF SMITHTOWN

A-1

April 26, 2021

Dear [REDACTED]:

Lexus of Smithtown ("Lexus") recognizes the importance of protecting information. Although we are not aware of any misuse of your personal information, we are providing this notice to inform you of an incident that may have involved some of your information, the steps we have taken in response, and some additional steps you may consider taking.

We recently concluded an investigation into unauthorized access to some Lexus employee email accounts. Upon discovering the incident, we immediately took steps to secure our email environment, a cybersecurity firm was engaged, and a thorough investigation was conducted. The investigation determined that there was unauthorized access to some employee email accounts on September 10, 2020. The investigation was unable to determine whether any emails or attachments were actually viewed during that time. As such, we reviewed the contents of the involved email accounts to identify the specific individuals whose information they contained. We completed the review process on January 21, 2021. We then analyzed the results and determined that an email or attachment contained your name and driver's license number.

While we have no reason to believe that any personal information has been misused as a result of this incident, we wanted to notify you and assure you that we take it very seriously. As a precaution, we have arranged for you to receive a complimentary one-year membership of Experian's® IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with identity protection services focused on identification and resolution of identity theft. IdentityWorks Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. For more information on identity theft prevention, additional steps you can take in response, and instructions on how to activate your complimentary one-year membership, please see the information provided with this letter.

To help prevent a similar incident from occurring in the future, we are taking steps to further enhance our existing security measures. If you have any questions about the incident, please contact our toll-free helpline at 1-888-598-8341 from 8am to 5pm Eastern Time, Monday through Friday.

Sincerely,

Lexus of Smithtown

ENROLLMENT INSTRUCTIONS

To help protect your identity, we are offering a **complimentary** one-year membership of Experian IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

Activate IdentityWorks Credit 3B Now in Three Easy Steps

1. ENROLL by: **July 12, 2021** (Your code will not work after this date.)
2. VISIT the **Experian IdentityWorks website** to enroll: <https://www.experianidworks.com/3bcredit>
3. PROVIDE the **Activation Code**: XXXXXXXXXX

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**. The enrollment helpline is staffed Monday through Friday from 9:00 AM to 11:00 PM Eastern Time and Saturday and Sunday 11:00 AM to 8:00 PM Eastern Time. Be prepared to provide engagement number **B010956** as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR ONE-YEAR EXPERIAN IDENTITYWORKS CREDIT 3B 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

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 12 months 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, 1-800-685-1111
- *Experian*, PO Box 2002, Allen, TX 75013, www.experian.com, 1-888-397-3742
- *TransUnion*, PO Box 2000, 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.ftc.gov/idtheft

Fraud Alerts and Credit or 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:

- **Experian Security Freeze**, PO Box 9554, Allen, TX 75013, www.experian.com
- **TransUnion Security Freeze**, PO Box 2000, Chester, PA 19016, www.transunion.com
- **Equifax Security Freeze**, PO Box 105788, Atlanta, GA 30348, www.equifax.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.

Additional information for residents of 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.