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April 30, 2018

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

RECEIVED

MAY 08 2018

CONSUMER PROTECTION

Re: Malley's Chocolates – Incident Notification

Dear Attorney General MacDonald:

McDonald Hopkins PLC represents Malley's Chocolates. I write to provide notification concerning an incident that may affect the security of personal information of three (3) New Hampshire residents. Malley's Chocolates' investigation is ongoing and this notification will be supplemented with any new significant facts or findings subsequent to this submission, if any. By providing this notice, Malley's Chocolates does not waive any rights or defenses regarding the applicability of New Hampshire law or personal jurisdiction.

Malley's Chocolates recently became aware of a situation where an unauthorized party accessed one of its company's internal servers. Malley's Chocolates discovered this situation on March 18, 2018, and took immediate steps to shut down access to its system. Malley's Chocolates immediately engaged outside expert assistance to help investigate, evaluate and respond to the situation. Based on their review of the situation and an examination of the impacted server, on April 4, 2018, the forensics specialists indicated that some personal data belonging to consumers was potentially exposed to the unauthorized intruder.

The compromised data may have included residents' name, address and payment card information.

We wanted to make you (and the affected residents) aware of the incident and explain the steps Malley's Chocolates is taking to safeguard the residents against identity fraud. Malley's Chocolates will provide the New Hampshire residents with notice of this incident commencing on April 30, 2018, in substantially the same form as the communication attached hereto. Malley's Chocolates will advise the residents to remain vigilant in reviewing financial and credit card account statements for fraudulent or irregular activity. Malley's Chocolates will provide dedicated call center support to answer questions. Malley's Chocolates will advise the residents about the process for placing a fraud alert on their credit files, placing a security freeze, and obtaining a free credit report. The residents will also be provided with the contact information for the consumer reporting agencies and the Federal Trade Commission.

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Since learning of the incident, Malley's Chocolates has made immediate enhancements to its systems, security and practices. Additionally, Malley's Chocolates engaged appropriate experts to assist in conducting a full review of their security practices and systems to ensure that appropriate security protocols are in place going forward.

In addition, we have notified the payment card networks so that they can coordinate with card issuing banks to monitor for fraudulent activity on cards used.

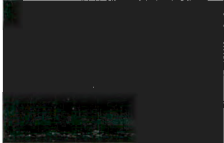
Should you have any questions regarding this notification, please contact me at (248) 220-1356 or dpaluzzi@mcdonaldhopkins.com.

Sincerely,



Dominic A. Paluzzi

DAP/aeh
Enclosure



Dear [REDACTED]:

Please read this letter in its entirety.

What happened?

We recently became aware of a situation where an unauthorized party accessed one of our company's internal servers. We discovered this situation on 3/18/2018, and took immediate steps to shut down access to our system. We immediately engaged outside expert assistance to help us investigate, evaluate and respond to the situation. Based on their review of the situation and an examination of the impacted server, our forensics specialists have indicated that some personal data belonging to you was potentially exposed to the unauthorized intruder.

What information was involved?

The compromised data may have included your name, address and payment card information. In particular, we believe that your Credit Card number ending in [REDACTED] may have been compromised. This number in conjunction with your billing address can potentially be used to make unauthorized purchases on your credit card.

What is Malley's Chocolates doing to address this situation?

Malley's Chocolates has made immediate enhancements to our systems, security and practices. Additionally, we engaged appropriate experts to assist us in conducting a full review of our security practices and systems to ensure that appropriate security protocols are in place going forward. We are committed to helping those people who may have been impacted by this unfortunate situation.

What you can do

You may notify your issuing bank of this incident to inform them that your account may be at an increased risk for fraud and so that your bank or card company can flag your account. We also encourage you to remain vigilant and monitor your accounts closely for any suspicious activity and to notify your financial institution immediately if you notice any unauthorized transactions.

You may want to consider the following:

If you choose to place a fraud alert on your own, you will need to contact one of the three major credit agencies directly at:

Experian (1-888-397-3742)
P.O. Box 4500
Allen, TX 75013
www.experian.com

Equifax (1-800-525-6285)
P.O. Box 740241
Atlanta, GA 30374
www.equifax.com

TransUnion (1-800-680-7289)
P.O. Box 2000
Chester, PA 19016
www.transunion.com

Also, should you wish to obtain a credit report and monitor it on your own:

- **IMMEDIATELY** obtain free copies of your credit report and monitor them upon receipt for any suspicious activity. You can obtain your free copies by going to the following website: [REDACTED] or by calling them toll-free at [REDACTED]. (Hearing impaired consumers can access their TDD service at [REDACTED])
- **Upon receipt of your credit report**, we recommend that you review it carefully for any suspicious activity.
- Be sure to promptly report any suspicious activity to the issuing institution of that card.

You can also obtain more information about identity theft and ways to protect yourself from the Federal Trade Commission (FTC). The FTC has an identity theft hotline: 877-438-4338; TTY: 1-866-653-4261. They also provide information on-line at www.ftc.gov/idtheft.

For more information

We understand your concerns and have retained CyberScout to assist you with any questions that you might have. Please call [REDACTED] to speak with a representative.

At Malley's Chocolates we take our responsibilities to protect your personal information very seriously. We are deeply disturbed by this situation and apologize for any inconvenience.

Sincerely,

Mike Malley
President

Additional Important Information

For residents of Hawaii, Michigan, Missouri, Virginia, Vermont, and North Carolina: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

For residents of Illinois, Iowa, Maryland, Missouri, North Carolina, Oregon, and West Virginia:

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report by contacting any one or more of the following national consumer reporting agencies:

Equifax

P.O. Box 740241
Atlanta, GA 30374
1-800-685-1111
www.equifax.com

Experian

P.O. Box 22104
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion

P.O. Box 2000
Chester, PA 19022
1-800-888-4213
www.transunion.com

You may also obtain a free copy of your credit report online at www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

For residents of Iowa:

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon:

State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission.

For residents of Maryland, North Carolina, and Illinois:

You can obtain information from the Maryland and North Carolina Offices of the Attorneys General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

Maryland Office of the Attorney General

Consumer Protection Division
200 St. Paul Place
Baltimore, MD 21202
1-888-743-0023
www.oag.state.md.us

North Carolina Office of the Attorney General

Consumer Protection Division
9001 Mail Service Center
Raleigh, NC 27699-9001
1-877-566-7226
www.ncdoj.com

Federal Trade Commission

Consumer Response Center
600 Pennsylvania Avenue, NW
Washington, DC 20580
1-877-IDTHEFT (438-4338)
www.ftc.gov/bcp/edu/microsites/idtheft

For residents of all states:

Fraud Alerts: You can place fraud alerts with the three credit bureaus at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. The contact information for all three credit bureaus is below:

Monitoring: You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

Security Freeze: You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to make a request to each consumer reporting agency. You may make that request by certified mail, overnight mail, or regular stamped mail, or by following the instructions found at the websites listed below. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. The consumer reporting agency may charge a small fee to place, lift, or remove a freeze, but is free if you are a victim of identity theft or the spouse of a victim of identity theft, and you have submitted a valid police report relating to the identity theft incident to the consumer reporting agency. You may obtain a security freeze by contacting any one or more of the following national consumer reporting agencies:

Equifax Security Freeze

P.O. Box 105788
Atlanta, GA 30348
https://www.freeze.equifax.com/Freeze/jsp/SFF_PersonalIDInfo.jsp

Experian Security Freeze

P.O. Box 9554
Allen, TX 75013
<https://www.experian.com/freeze/center.html>

TransUnion (FVAD)

P.O. Box 2000
Chester, PA 19016
<https://freeze.transunion.com>

More information can also be obtained by contacting the Federal Trade Commission listed above.