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ATTORNEYS AT LAW

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CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200  
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November 23, 2020

**VIA FIRST-CLASS MAIL**

Consumer Protection Bureau  
Office of the New Hampshire Attorney General  
33 Capitol Street  
Concord, NH 03301

**Re: Notice of Data Event**

Dear Sir Madam:

We represent Merchant One, Inc. (“Merchant One”) located at 524 Arthur Godfrey Road, 2nd & 3rd Floor, Miami Beach, FL 33140, and are writing to notify your office of an incident that may affect the security of some personal information relating to twenty-six (26) New Hampshire residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Merchant One 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 or about February 24, 2020, Merchant One became aware of suspicious activity related to a third-party IT provider. Upon discovery, Merchant One immediately launched an investigation, which included working with third-party forensic specialists to determine the full nature and scope of this incident. The investigation determined that an unknown individual may have accessed specific files in Merchant One’s system. Therefore, Merchant One began a comprehensive review of the files identified as potentially impacted to determine what information was contained therein and to whom it relates. Upon confirmation that personal information was present in the potentially accessed files, Merchant One began reviewing its files to determine address information for those individuals. Merchant One worked with a vendor to assist with determining address information for impacted individuals and on October 26, 2020 Merchant One received updated information to provide notice to those impacted individuals.

The information that could have been subject to unauthorized access includes name, address, Social Security number, driver's license number, and financial account information.

### **Notice to New Hampshire Residents**

On or about November 23, 2020, Merchant One provided written notice of this incident to all affected individuals, which includes twenty-six (26) 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, Merchant One moved quickly to investigate and respond to the incident, assess the security of Merchant One systems, and notify potentially affected individuals. Merchant One is also working to implement additional safeguards and training to its employees. Merchant One is providing access to credit monitoring services for 1 year through Kroll to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Merchant One is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Merchant One is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, 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.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4842.

Very truly yours,



Vincent F. Regan of  
MULLEN COUGHLIN LLC

# EXHIBIT A



<<Date>> (Format: Month Day, Year)

<<first\_name>> <<middle\_name>> <<last\_name>> <<suffix>>  
<<address\_1>>  
<<address\_2>>  
<<city>>, <<state\_province>> <<postal\_code>>  
<<country >>

<<b2b\_text\_1(SubjectLine)>>

Dear <<first\_name>> <<middle\_name>> <<last\_name>> <<suffix>>,

Merchant One, Inc. ("Merchant One") writes to notify you of an incident that may affect the privacy of some of your personal information. Merchant One takes the protection of your information very seriously, and although we have no evidence of actual or attempted misuse of your information potentially affected by this incident, this letter provides details of the incident, our response, and resources available to you to help protect your personal information from possible misuse, should you feel it is appropriate to do so.

**What Happened?** On or about February 24, 2020, Merchant One became aware of suspicious activity related to a third-party IT provider. Upon discovery, we immediately launched an investigation, which included working with third-party forensic specialists to determine the full nature and scope of this incident. The investigation determined that an unknown individual may have accessed specific files in Merchant One's system. Therefore, we began a comprehensive review of the files identified as potentially impacted to determine what information was contained therein and to whom it relates. Upon confirmation that personal information was present in the potentially accessed files, we began reviewing our files to determine address information for those individuals. We worked with a vendor to assist with determining address information for impacted individuals and on October 26, 2020, we received updated information to provide notice to those impacted individuals. Although we are unaware of any actual or attempted misuse of your personal information, we are providing you this notification out of an abundance of caution because your information was present in the potentially impacted files.

**What Information Was Involved?** The information present in the potentially impacted files may have included the following data elements: <<b2b\_text\_2(ImpactedData)>>.

**What Are We Doing?** Information privacy and security are among our highest priorities, and we have strict security measures in place to protect information in our care. Upon discovering this incident, we immediately took steps to confirm the security of our systems. We implemented additional measures to further protect information, including enhanced email security, multi-factor authentication and additional training. Additionally, we transitioned to utilizing a different IT provider. In an abundance of caution, we are notifying potentially impacted individuals, including you, so that you may take steps to best protect your information, should you feel it is appropriate to do so. Although we are unaware of any actual or attempted misuse of information as a result of this incident, we arranged to have Kroll monitor your identity for one year at no cost to you as an added precaution.

**What Can You Do?** 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. You may review the information contained in the attached "Steps You Can Take to Help Protect Your Information." You may also activate to receive the identity monitoring services we are making available to you. There is no charge to you for this service; however, you will need to activate yourself in this service.

## Steps You Can Take to Help Protect Your Information

### **Activate Identity Monitoring**

To help relieve concerns and restore confidence following this incident, we have secured the services of Kroll to provide identity monitoring at no cost to you for one year. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services include Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

Visit <https://enroll.idheadquarters.com> to activate and take advantage of your identity monitoring services.

You have until **February 11, 2021** to activate your identity monitoring services.

Membership Number: <<Member ID>>

Additional information describing your services is included with this letter.

### **Monitor Accounts, Financial, and Medical Billing Statements**

We encourage you to remain vigilant against incidents of identity theft and fraud and to review your account statements and credit reports for suspicious charges. Under U.S. law you are entitled to one (1) free credit report annually from each of the three (3) 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.

You have the right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security 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 security 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 security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

#### **Experian**

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 160

Woodlyn, PA 19094

1-888-909-8872

[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

#### **Equifax**

P.O. Box 105788

Atlanta, GA 30348-5788

1-800-685-1111

[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior 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, military identification, etc.);
7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

As an alternative to a security freeze, you have the right to place an initial or extended "fraud alert" on your file at no cost. An initial fraud alert is a one (1) 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 agencies listed below:

#### **Experian**

P.O. Box 9554

Allen, TX 75013

1-888-397-3742

[www.experian.com/fraud/center.html](http://www.experian.com/fraud/center.html)

#### **TransUnion**

P.O. Box 2000

Chester, PA 19106

1-800-680-7289

[www.transunion.com/fraud-alerts](http://www.transunion.com/fraud-alerts)

#### **Equifax**

P.O. Box 105069

Atlanta, GA 30348

1-888-766-0008

[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

**For More Information.** We recognize that you may have questions not addressed in this letter. If you have additional questions, please call our dedicated assistance line at [1-800-833-8333](tel:1-800-833-8333) (toll free), Monday through Friday, 9:00 a.m. to 6:30 p.m., ET.

We sincerely regret any inconvenience this incident may cause you. Protecting your information is important to us, and Merchant One remains committed to safeguarding the information in our care.

Sincerely,

Merchant One, Inc.

### **Additional Information**

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself by contacting the consumer reporting agencies, 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); 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 North Carolina residents**, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226 or 1-919-716-6000, [www.ncdoj.gov](http://www.ncdoj.gov). You can obtain information from the Attorney General or the Federal Trade Commission about preventing identity theft.

**For Maryland residents**, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-410-528-8662, [www.oag.state.md.us](http://www.oag.state.md.us). You can obtain information from the Attorney General or the Federal Trade Commission about preventing identity theft.

**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 violators. 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.

**For New York residents**, the Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; and <https://ag.ny.gov/>.

**For Rhode Island residents**, the Rhode Island Attorney General can be reached at: 150 South Main Street, Providence, Rhode Island 02903; [www.riag.ri.gov](http://www.riag.ri.gov), 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. [There are 12 Rhode Island residents impacted by this incident.](#)

**For District of Columbia residents**, the District of Columbia Attorney General can be reached at: 441 4th St. NW #1100 Washington, D.C. 20001, by phone at (202) 727-3400 and by email at [oag@dc.gov](mailto:oag@dc.gov). You can obtain information from the Attorney General or the Federal Trade Commission about preventing identity theft.

**For Oregon residents**, the Oregon Attorney General can be reached at: Oregon Department of Justice, 1162 Court St. NE, Salem, OR 97301-4096, by phone at (503) 378-4400 and <https://www.doj.state.or.us/oregon-department-of-justice/office-of-the-attorney-general/attorney-general-ellen-f-rosenblum/>. You can obtain information from the Attorney General or the Federal Trade Commission about preventing identity theft.

## **TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES**

You have been provided with access to the following services from Kroll:

### **Single Bureau Credit Monitoring**

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you will have the option to call a Kroll fraud specialist, who will be able to help you determine if it is an indicator of identity theft.

### **Fraud Consultation**

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

### **Identity Theft Restoration**

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator will be able to dig deep to uncover the scope of the identity theft, and then work to resolve it.

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STATE OF NH  
DEPT OF JUSTICE

Kroll's activation website is only compatible with the current version or one version earlier of Chrome, Firefox, Safari and Edge.

To receive credit 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.