LEWIS BRISBOIS BISGAARD & SMITH LLP

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VIA E-MAIL

Gordon MacDonald, Attorney General
Consumer Protection and Antitrust Bureau
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
E-Mail: DOJ-CPB@doj.nh.gov

Re: Notification of Data Security Incident

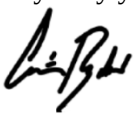
Dear Attorney General MacDonald:

I represent Merrick Bank, an issuer of consumer credit cards, with respect to a recent data security incident. Merrick Bank is an FDIC-insured bank based in South Jordan, Utah, and chartered by the Utah Department of Financial Institutions. This letter is submitted on behalf of Merrick Bank pursuant to N.H. Rev. Stat. §§ 359-C:19-21, because the personal information of fifteen (15) New Hampshire residents may have been affected by the incident.

On March 8, 2019, systems in place to protect Merrick Bank credit card accounts detected that unusual activity was occurring in the Merrick Bank mobile banking application system used for those accounts. Upon this discovery, steps were immediately taken to ensure the security of this system. Merrick Bank launched an investigation including the assistance of an independent digital forensics expert to help it determine the nature and scope of the incident, and this incident was reported to law enforcement. On March 15, 2019, Merrick Bank learned through its investigation that an unauthorized individual or group obtained access to the online accounts of some of its cardholders using credential information obtained elsewhere (commonly known as "credential stuffing"). The information potentially impacted by this incident may include cardholder names, email addresses, account balances, credit limits, the last four (4) digits of credit card numbers, and transaction histories. On March 29, 2019, Merrick Bank determined that fifteen (15) New Hampshire residents were among the potentially affected population.

Merrick Bank notified the affected New Hampshire residents via the attached sample letter on April 12, 2019. Merrick Bank is offering twelve (12) months of complimentary credit monitoring and identity monitoring services to the affected residents through Kroll. Please contact me should you have any questions.

Very truly yours,



Christopher E. Ballod of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosure: Consumer Notification Letter

Merrick Bank

<<FirstName>> <<LastName>> <<Date>>

<<Address1>>

<<Address2>>

<<City>>, <<State>> <<Zip Code>>

Notice of Data Security Incident

Dear <<First Name>>,

We are writing to inform you of a data security incident that may have involved your personal information. We also wish to inform you about steps you can take to protect your personal information and to offer identity monitoring services.

What Happened? On March 8, 2019, systems in place to protect Merrick Bank credit card accounts detected that unusual activity was occurring in the Merrick Bank mobile banking application system associated with your account. Upon this discovery, steps were immediately taken to ensure the security of this system. We launched an investigation including the assistance of an independent digital forensics expert to help us determine the nature and scope of the incident, and this incident was reported to law enforcement. On March 15, 2019, we learned through our investigation that an unauthorized individual or group obtained access to the online accounts of some of our cardholders using credential information obtained elsewhere, therefore, out of an abundance of caution, we are providing you with notification, credit and identity monitoring services, and resources that you can use to protect yourself.

What Information Was Involved? The information potentially impacted may include cardholder names, email addresses, account balances, credit limits, the last four (4) digits of credit card numbers, and transaction histories.

What We Are Doing. As outlined above, as soon as we discovered the incident, we immediately took steps to further secure the mobile banking application system. As an added precaution, we are providing you with complimentary identity and credit monitoring services through Kroll for one (1) year. To activate your Kroll membership and start monitoring your personal information please follow the steps below:

- Call Kroll at 1-866-775-4209
- Ensure that you enroll by: July 5, 2019 (Your code will not work after this date.)
- Visit the Kroll website to enroll: https://redeem.kroll.com
- Provide your activation code: <<insert [redacted]code>>
- And then provide your Verification ID: [redacted]
- Additional information describing your services is included with this letter.

What You Can Do. We recommend that you consider taking the following measures to protect your personal information:

- You should follow the guidelines included with this letter for an overview of steps you can take.
- You will need to change the password used to access the Merrick banking mobile application. Please go to the log-in screen at the Merrick Bank website at https://www.MerrickBank.com and then follow the instructions to change your password.
- If you use the same username and password in connection with your other personal accounts you should consider changing those usernames and passwords.
- You should review all financial account statements carefully and if you notice any suspicious activity, contact that financial institution and notify law enforcement.

- You should be especially aware of any requests, calls, letters, or other questions about any of your personal accounts. If you receive some type of unexpected request for personal information in connection with any of your personal accounts, do not provide any information and instead contact the company associated with that account to validate whether the request was legitimate.
- You can place a fraud alert on your credit report, or place a security freeze on your credit file.

For More Information. Further information about how to protect your personal information appears on the following pages. If you have questions or need assistance, please call Merrick Bank at 844-766-6100.

Please accept our sincere apologies and know that we deeply regret any worry or inconvenience that this may cause you.

Sincerely,

Merrick Bank

Steps You Can Take to Further 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 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 can print this form at https://www.annualcreditreport.com/cra/requestformfinal.pdf. You also can contact one of the following three national credit reporting agencies:

TransUnion	**Experian**	**Equifax**	**Free Annual Report**
P.O. Box 1000	P.O. Box 9532	P.O. Box 105851	P.O. Box 105281
Chester, PA 19016	Allen, TX 75013	Atlanta, GA 30348	Atlanta, GA 30348
1-888-909-8872	1-888-397-3742	1-800-525-6285	1-877-322-8228
www.transunion.com	www.experian.com	www.equifax.com	annualcreditreport.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 90 days. 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 the following website: http://www.annualcreditreport.com.

Security Freeze: You have the right to put a security freeze on your credit file. 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. There is no charge to place, lift or remove the security freeze. 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, Federal Trade Commission or from your respective state Attorney General about steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, including to the Federal Trade Commission or to the Attorney General in your state. Residents of Maryland, North Carolina, and Rhode Island can obtain more information from their Attorneys General using the contact information below.

Federal Trade Commission	**Maryland Attorney General**	**North Carolina Attorney General**	**Rhode Island Attorney General**
600 Pennsylvania Ave, NW	200 St. Paul Place	9001 Mail Service Center	150 South Main Street
Washington, DC 20580	Baltimore, MD 21202	Raleigh, NC 27699	Providence, RI 02903
consumer.ftc.gov, and	oag.state.md.us	ncdoj.gov	http://www.riag.ri.gov
www.ftc.gov/idtheft	1-888-743-0023	1-877-566-7226	401-274-4400
1-877-438-4338			

You also have certain rights under the Fair Credit Reporting Act (FCRA), including: 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 others. For more information about the FCRA, and your rights pursuant to the FCRA, please visit http://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf.