



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

RECEIVED

MAY 24 2021

CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

May 18, 2021

**VIA U.S. MAIL**

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

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent NEC Networks, LLC d/b/a CaptureRx (“CaptureRx”) located at 219 East Houston Street, Suite 100 San Antonio, TX 78205, and are writing to notify your office of an incident that may affect the security of some personal information relating to twenty-five (25) New Hampshire residents. This notice will be supplemented with any new significant facts learned subsequent to its submission. CaptureRx is providing this notice on behalf of the entities identified in *Exhibit A*, collectively referred to as the “notifying entities” in this notification.

**Nature of the Data Event**

CaptureRx is a specialty pharmacy benefits manager whose services include prescription claims processing, patient assistance program administration, and public health service 340B drug program administration. CaptureRx provides these services for pharmacies and healthcare providers across the United States, including for the above-referenced covered entities.

On February 11, 2021, CaptureRx became aware of unusual activity involving certain of its electronic files. Following this, CaptureRx immediately began an investigation into this activity and worked quickly to assess the security of its systems. On February 19, 2021, the investigation determined that certain files were accessed on February 6, 2021 without authorization. CaptureRx then immediately began a thorough review of the full contents of the subject files to determine what information was present at the time of the incident and the affected individuals and associated entities. On or around March 19, 2021, CaptureRx completed this review to confirm the full scope of affected individuals and associated entities to which the information related, and determined that the subject files contained first name, last name, date of birth, and prescription information for certain patients of healthcare providers for whom CaptureRx provides services.

Office of the New Hampshire Attorney General

May 18, 2021

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After confirming the scope of affected individuals and associated covered entities, CaptureRx worked to provide notice to applicable healthcare providers. Between March 30, 2021 and April 7, 2021, CaptureRx began mailing notice of the incident to these healthcare providers. Since then, CaptureRx has been working continuously with healthcare providers, including the notifying entities, to notify the impacted individuals of the incident.

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

On or about May 5, 2021, CaptureRx began providing written notice of this incident to all affected individuals on behalf of the notifying entities. Notice was provided on an ongoing basis as potentially affected individuals were identified by covered entities. On May 18, 2021, CaptureRx provided notice to twenty-five (25) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit B*. In addition, notice of this incident is posted to the CaptureRx website in substantially the same form as *Exhibit C*, and a press release was made available to media outlets in [State] in substantially the same form as *Exhibit D*.

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


Upon discovering the event, CaptureRx moved quickly to investigate and respond to the incident, to assess the security of the information, and to notify appropriate healthcare providers of the incident, including the notifying entities. CaptureRx also notified the Federal Bureau of Investigation. CaptureRx is working with the notifying entities to notify potentially affected individuals. CaptureRx is also working to implement additional safeguards and training to its employees.

Additionally, CaptureRx is providing impacted individuals with guidance on how to protect against identity theft and fraud. CaptureRx is also providing affected individuals with information on how to place a fraud alert and security freeze on one's credit file, 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. In addition to notifying individuals and your Office, CaptureRx will be notifying the United States Department of Health and Human Services.

#### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4861.

Very truly yours,



Kevin Dolan of  
MULLEN COUGHLIN LLC

KED/rhb

# EXHIBIT A

5051 1/2 St. W. S. 50

2010 7011  
21717 01 1/2

Notifying entities

- Rutland Hospital, Inc. dba Rutland Regional Medical Center
- Penobscot Community Health Center

STATE OF NH  
DEPT OF JUSTICE  
2021 MAY 24 PM 2: 26

# EXHIBIT B



Return Mail Processing Center  
P.O. Box 6336  
Portland, OR 97228-6336

<<Mail ID>>  
<<Name 1>>  
<<Name 2>>  
<<Address 1>>  
<<Address 2>>  
<<Address 3>>  
<<Address 4>>  
<<Address 5>>  
<<City>><<State>><<Zip>>  
<<Country>>

<<Date>>

**Re: Notice of Security Incident**

REF 3# <<CRX ID NUMBER>>

Dear <<Name 1>>:

CaptureRx is a vendor that provides services to certain healthcare providers, including <<Entity Name Long>>. CaptureRx is writing, on behalf of <<Entity Name Short>> to notify you of a recent event at CaptureRx that may affect the privacy of some of your personal information. We are providing you with information about the event, our response to it, and resources available to you to help protect your information, should you feel it appropriate to do so.

**What Happened?** CaptureRx recently became aware of unusual activity involving certain of its electronic files. Following this, CaptureRx immediately began an investigation into this activity and worked quickly to assess the security of its systems. On February 19, 2021, the investigation determined that certain files were accessed and acquired on February 6, 2021 without authorization.

CaptureRx immediately began a thorough review of the full contents of the files to determine whether sensitive information was present at the time of the incident. On or around March 19, 2021, CaptureRx confirmed that some of your information was present in the relevant files. CaptureRx began the process of notifying <<Entity Notification>> of this incident.

**What Information Was Involved?** The investigation determined that, at the time of the incident, the relevant files contained your first name, last name, date of birth, and prescription information. We are providing you this notice to ensure you are aware of this incident.

**What Is CaptureRx Doing?** Data privacy and security are among CaptureRx's highest priorities, and there are extensive measures in place to protect information in CaptureRx's care. Upon learning of this incident, CaptureRx moved quickly to investigate and respond. This investigation and response included confirming the security of CaptureRx's systems, reviewing the contents of the relevant files for sensitive information, and notifying business partners associated with that sensitive information. As part of CaptureRx's ongoing commitment to the security of information, all policies and procedures are being reviewed and enhanced and additional workforce training is being conducted to reduce the likelihood of a similar future event.

**What You Can Do.** We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements and explanation of benefits forms, and to monitor your free credit reports for suspicious activity and to detect errors. Please also review the information contained in the attached "Steps You Can Take to Protect Personal Information."

**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 (855) 654-0919 (toll free), Monday – Friday, 9:00 a.m. to 9:00 p.m., Eastern Time.

Sincerely,  
CaptureRx

## STEPS YOU CAN TAKE TO PROTECT PERSONAL INFORMATION

### Monitor Your Accounts

We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account and monitoring your free credit reports for suspicious activity and to detect errors. Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. 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 directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a 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 three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit 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 credit 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 credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
1-888-298-0045	1-888-397-3742	1-833-395-6938
Equifax Fraud Alert, P.O. Box 105069, Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788, Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

### Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may 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. 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.

# EXHIBIT C



## **CaptureRx – Notice of Data Incident**

**May 5, 2021**

CaptureRx is a vendor for certain healthcare providers and is providing notice of a recent event at CaptureRx that may affect the privacy of certain data CaptureRx received from these healthcare providers. This notification provides information about the event, CaptureRx's response to it, and resources available to individuals to help protect their information, should they feel it necessary to do so. CaptureRx is providing this notice on behalf of multiple healthcare providers, and a full list can be found [here](#).

**What Happened?** CaptureRx recently became aware of unusual activity involving certain of its electronic files. Following this, CaptureRx immediately began an investigation into this activity and worked quickly to assess the security of its systems. On February 19, 2021, the investigation determined that certain files were accessed and acquired on February 6, 2021 without authorization.

CaptureRx then immediately began a thorough review of the full contents of the files to determine whether sensitive information was present at the time of the incident. On or around March 19, 2021, CaptureRx completed this review to confirm the full scope of affected individuals and associated covered entities to which the information related. Between March 30, 2021 and April 7, 2021 CaptureRx began the process of notifying healthcare providers of this incident. Since then, CaptureRx has worked with healthcare providers to notify the affected individuals whose information was identified by the review.

**What Information Was Involved?** The investigation determined that, at the time of the incident, the relevant files contained first name, last name, date of birth, and prescription information.

**What Is CaptureRx Doing?** Data privacy and security are among CaptureRx's highest priorities, and there are extensive measures in place to protect information in CaptureRx's care. Upon learning of this incident, CaptureRx moved quickly to investigate and respond. This investigation and response included confirming the security of CaptureRx's systems, reviewing the contents of the relevant files for sensitive information, and notifying covered entities associated with that sensitive information. As part of CaptureRx's ongoing commitment to the security of information, all policies and procedures are being reviewed and enhanced and additional workforce training is being conducted to reduce the likelihood of a similar future event. CaptureRx is also working with healthcare providers to notify individuals whose information was contained in the subject files as well as notifying appropriate regulatory authorities.

**What You Can Do.** CaptureRx encourages individuals to remain vigilant against incidents of identity theft and fraud, to review account statements and explanation of benefits forms, and to monitor free credit reports for suspicious activity and to detect errors. Additional steps individuals can take is provided in the below "Steps You Can Take to Protect Personal Information."

**For More Information.** CaptureRx has established a dedicated assistance line at (855) 654-0919 (toll free), Monday – Friday, 9:00 a.m. to 9:00 p.m., Eastern Time for any questions individuals have.

### **Steps You Can Take To Protect Personal Information**

#### **Monitor Your Accounts**

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. 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 directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended “fraud alert” on a credit file at no cost. An initial fraud alert is a 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 three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit 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 credit 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 credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
1-888-298-0045	1-888-397-3742	1-833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

### **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may 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. 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.

# EXHIBIT D

## **CaptureRx – Notice of Data Incident**

**San Antonio, TX (May 5, 2021)** - CaptureRx is a vendor for certain healthcare providers and is providing notice of a recent event at CaptureRx that may affect the privacy of certain data CaptureRx received from these healthcare providers. This notification provides information about the event, CaptureRx's response to it, and resources available to individuals to help protect their information, should they feel it necessary to do so.

**What Happened?** CaptureRx recently became aware of unusual activity involving certain of its electronic files. Following this, CaptureRx immediately began an investigation into this activity and worked quickly to assess the security of its systems. On February 19, 2021, the investigation determined that certain files were accessed and acquired on February 6, 2021 without authorization.

CaptureRx then immediately began a thorough review of the full contents of the files to determine whether sensitive information was present at the time of the incident. On or around March 19, 2021, CaptureRx completed this review to confirm the full scope of affected individuals and associated covered entities to which the information related. Between March 30, 2021 and April 7, 2021 CaptureRx began the process of notifying healthcare providers of this incident. Since then, CaptureRx has worked with healthcare providers to notify the affected individuals whose information was identified by the review.

**What Information Was Involved?** The investigation determined that, at the time of the incident, the relevant files contained first name, last name, date of birth, and prescription information.

**What Is CaptureRx Doing?** Data privacy and security are among CaptureRx's highest priorities, and there are extensive measures in place to protect information in CaptureRx's care. Upon learning of this incident, CaptureRx moved quickly to investigate and respond. This investigation and response included confirming the security of CaptureRx's systems, reviewing the contents of the relevant files for sensitive information, and notifying covered entities associated with that sensitive information. As part of CaptureRx's ongoing commitment to the security of information, all policies and procedures are being reviewed and enhanced and additional workforce training is being conducted to reduce the likelihood of a similar future event. CaptureRx is also working with healthcare providers to notify individuals whose information was contained in the subject files as well as appropriate regulatory authorities.

**What You Can Do.** CaptureRx encourages individuals to remain vigilant against incidents of identity theft and fraud, to review account statements and explanation of benefits forms, and to monitor free credit reports for suspicious activity and to detect errors. Additional steps individuals can take is provided in the below "Steps You Can Take to Protect Personal Information."

**For More Information.** CaptureRx has established a dedicated assistance line at (855) 654-0919 (toll free), Monday – Friday, 9:00 a.m. to 9:00 p.m., Eastern Time for any questions individuals have.

### **Steps You Can Take To Protect Personal Information**

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1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

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<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
1-888-298-0045	1-888-397-3742	1-833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

### **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may 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. 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.