



MULLEN
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October 5, 2017

RECEIVED

OCT 10 2017

CONSUMER PROTECTION

VIA U.S. 1st CLASS MAIL

Attorney General Gordon J. MacDonald
Office of the New Hampshire Attorney General
Attn: Security Breach Notification
33 Capitol Street
Concord, NH 03301

Re: Notice of Data Event

Dear Attorney General MacDonald:

Our office represents Neue Galerie, headquartered at 1048 5th Avenue, New York, New York 10028. We are writing to provide you with notice of a situation that may impact the security of personal information relating to seven (7) New Hampshire residents. The investigation into this situation is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Neue Galerie does not waive any rights or defenses regarding the applicability of New Hampshire law or personal jurisdiction.

Background

Neue Galerie discovered on August 25, 2017, with the assistance of a third-party forensic investigation firm, that an unknown individual had placed malicious code on the Neue Galerie website that had the capability to allow unauthorized access by the individual to credit card information. Neue Galerie immediately took steps to remove the malicious code from its website.

Once Neue Galerie discovered the malicious code and its capability, it immediately launched an investigation to determine the credit card information potentially accessible to the unknown individual. As part of the ongoing investigation, Neue Galerie determined on September 7, 2017, that the following information was contained in the database: credit or debit card number, expiration date, and name. There is no indication that the information was actually accessed or viewed by the unauthorized individual.

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Notice to New Hampshire Residents

Neue Galerie is mailing written notice of this incident to these seven (7) New Hampshire residents on October 6, 2017, in substantially the same form as the letter attached hereto as *Exhibit A*.

Other Steps Taken and to Be Taken

Neue Galerie's investigation into this incident is ongoing. Neue Galerie is providing these individuals with helpful information on how to protect against identity theft and fraud. Neue Galerie is taking steps to mitigate the risk that an event like this happens again. In addition to providing notice of this incident to your office, Neue Galerie has provided notice of this incident to certain other state regulators where required.

Contact Information

Should you have any questions regarding this notification of other aspects of this event, please contact us at 267-930-4774.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JAC', with a horizontal line extending to the right.

Jennifer A. Coughlin of
MULLEN COUGHLIN LLC

JAC:ncl
Enclosure

EXHIBIT A

Return Mail Processing Center
PO Box 6336
Portland, OR 97228-6336



<<Mail ID>>
<<Name 1>>
<<Name 2>>
<<Address 1>>
<<Address 2>>
<<Address 3>>
<<Address 4>>
<<Address 5>>
<<City>> <<ST>> <<ZIP>>
<<Country>>

<<Date>>

Re: Notice of Data Breach

Dear <<Name>>:

Neue Galerie takes the security of your information and your patronage very seriously. We are writing to you to inform you of a recently discovered situation that could potentially impact the security of your credit card information. While there currently is no indication whatsoever that your information was actually accessed, viewed, or used by an unauthorized individual, we want to provide you with information about the event and what you can do to better protect against the possibility of identity theft and fraud if you feel it is appropriate to do so.

What Happened? Neue Galerie discovered on August 25, 2017, with the assistance of a third-party forensic investigation firm, that an unknown individual had placed malicious code on the Neue Galerie website that had the capability to allow unauthorized access by the individual to credit card information. Neue Galerie immediately took steps to remove the malicious code from its website.

What Information Was Involved? Once we discovered the malicious code and its capability, we immediately launched an investigation to determine the credit card information potentially accessible to the unknown individual. We determined on September 7, 2017, that the following information about you was contained in the database: <<Card Type>> credit or debit card number ending in <<Last 4 Digits>>, expiration date, name, mailing address. <<Please note that the above referenced card is expired.>> Neue Galerie has no evidence that your information was actually accessed or viewed by the unauthorized individual.

What We Are Doing. We take this event, and the security of your information, very seriously. In addition to taking the steps detailed above and providing this notice to you, we are reviewing our policies and procedures and have further enhanced the security safeguards on our website. While we are unaware of any actual or attempted misuse of your information, we are providing all potentially impacted individuals with information on how to protect against identity theft and fraud. We are also notifying state regulators of this incident as required.

What You Can Do. You can review the enclosed *Steps You Can Take To Protect Against Identity Theft and Fraud*, which contains information on what you can do to better protect against the possibility of identity theft and fraud if you feel it is appropriate to do so.

For More Information. We understand you may have questions that are not answered in this letter. To ensure your questions are answered in a timely manner please contact me at (212) 994-9491, Monday through Friday, 9:30 a.m. to 5:30 p.m. EST. Alternatively, you may email me at phyllislariccia@neuegalerie.org.

We sincerely regret any inconvenience or concern this incident has caused you.

Sincerely,

A handwritten signature in black ink, reading "Phyllis La Riccia". The signature is written in a cursive style with a large initial "P".

Phyllis La Riccia
Director, Membership and Development
Neue Galerie New York

Steps You Can Take to Protect Against Identity Theft and Fraud

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. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit 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.

At no charge, you can also have these credit bureaus place a "fraud alert" on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. Note, however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, you may contact any one of the three major credit reporting bureaus. Experian can be reached at: P.O. Box 2002, Allen, TX 75013; 888-397-3742; and www.experian.com. TransUnion can be reached at: P.O. Box 2000, Chester, PA 19022; 800-680-7289; and www.transunion.com. Equifax can be reached at: P.O. Box 105069, Atlanta, GA 30348; 800-525-6285; and www.equifax.com.

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer's credit report without the consumer's written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services. If you have been a victim of identity theft, and you provide the credit bureau with a valid police report, it cannot charge you to place, list or remove a security freeze. In all other cases, a credit bureau may charge you a fee to place, temporarily lift, or permanently remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place a freeze on all of your credit files. To find out more on how to place a security freeze, you may contact the three major credit reporting bureaus. Experian can be reached at: P.O. Box 9554, Allen, TX 75013; 888-397-3742; www.experian.com/freeze/center.html. TransUnion can be reached at: P.O. Box 2000, Chester, PA 19022; 888-909-8872; and www.transunion.com/credit-freeze. Equifax can be reached at: P.O. Box 105788, Atlanta, GA 30348; 800-685-1111; and www.freeze.equifax.com.

You can further educate yourself regarding identity theft, fraud alerts, and the steps you can take to protect yourself, by contacting 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; 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. **For Maryland residents**, the Attorney General can be reached at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-888-743-0023; and www.oag.state.md.us. **For North Carolina residents**, the Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400; and online at www.ncdoj.gov. **For Rhode Island residents**, the Attorney General can be contacted by mail at 150 South Main Street, Providence, RI 02903; by phone at (401) 274-4400; and online at www.riag.ri.gov. A total of 2 Rhode Island resident may be impacted by this incident. **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 violator. 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/ff/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. 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 crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement. This notice has not been delayed by law enforcement.