



MICHAEL E. KAR
JUNIOR PARTNER

Rockefeller Center
1270 Avenue of the Americas
7th Floor
New York, NY 10020

March 19, 2024

VIA EMAIL (DOJ-CPB@doj.nh.gov)

Attorney General John Formella
Office of the Attorney General
33 Capitol Street
Concord, NH 03302

Re: Data Security Incident

Dear Attorney General Formella:

Pierson Ferdinand LLP represents New England Science and Sailing Foundation, Inc. dba NESS (“NESS”) located at 72 Water Street, PO Box 733, Stonington, CT 06378, in connection with a third-party data security incident described in more detail below.

1. Description of the incident

New England Science and Sailing Foundation, Inc. dba NESS (“NESS”), a Connecticut non-profit, was informed of a data security incident that impacted one of its third-party vendors. NESS’s donation and fundraising software is provided by SofterWare Inc.’s DonorPerfect (“DonorPerfect”). DonorPerfect advised that there was unauthorized acquisition of certain images of NESS donor’s checks, which included

2. Number of potentially affected New Hampshire residents

DonorPerfect advised that the incident potentially impacted personal information pertaining to two (2) New Hampshire residents. Notification letters to these individuals are being mailed on March 19, 2024, via first class mail. A sample copy of the notification letter is enclosed hereto.

3. Steps Taken

NESS communicated with its donors as it received additional information from DonorPerfect regarding this incident, the potential misuse of this information, and identity protection best practices. DonorPerfect has advised that they have contained and remediated the issue that led to the unauthorized activity, as well as strengthening numerous security protocols. DonorPerfect has notified law enforcement.

Additionally, the notified New Hampshire residents were offered complimentary identity theft and credit monitoring services for _____ months through ID Experts.

4. Contact information

NESS remains dedicated to protecting the sensitive information within its control. If you have any questions or need additional information, please do not hesitate to contact me at

Sincerely,

 **PIERSON FERDINAND**

Michael E. Kar

Enclosure (1)



PIERSON FERDINAND

Enclosure

Sample Copy of Data Subject Notification Letter

New England Science and Sailing Foundation, Inc. dba NESS
c/o Cyberscout
1 Keystone Ave, Unit 700
Cherry Hill, NJ 08003
DB-08632



Via First-Class Mail

Name
Address
Mystic, CT 06355-3071

March 19, 2024

Notice of Data Security Incident

Dear Name:

New England Science and Sailing Foundation, Inc. dba NESS (“NESS”) has been informed of a data security incident that impacted one of its third-party vendors. NESS’s donation and fundraising software is provided by SofterWare Inc.’s DonorPerfect (“DonorPerfect”). DonorPerfect has advised that this incident may have affected your personal information.

NESS has been communicating with potentially impacted individuals as we have learned more about the incident. Now that DonorPerfect’s investigation has concluded, we wanted to make you aware of the incident and the measures taken in response, as well as provide details on the steps you can take – should you deem it appropriate – to help protect your information.

What Happened and What information Was Involved

On February 5, 2024, DonorPerfect notified NESS of an incident involving unauthorized activity on its network that compromised certain NESS donors’ personal information. Specifically, DonorPerfect advised that certain images of donor’s checks were compromised by an unauthorized third party. The elements of your personal information that might have been impacted include:

What We Are Doing

We have communicated with you regarding this incident, the potential misuse of this information, and identity protection best practices.

DonorPerfect has advised that they have contained and remediated the issue that led to the unauthorized activity, as well as strengthening numerous security protocols. They reported this incident to the FBI and local law enforcement.

DonorPerfect is offering _____ months of free identity and credit monitoring for potentially impacted individuals. Credit monitoring services are being provided by ID Experts and include the following:

- i. SINGLE BUREAU CREDIT MONITORING - Monitoring of credit bureau for changes to the member’s credit file such as new credit inquiries, new accounts opened, delinquent payments, improvements in the member’s credit report, bankruptcies, court judgments and tax liens, new addresses, new employers, and other activities that affect the member’s credit record.
- ii. CYBERSCANTM - Dark Web monitoring of underground websites, chat rooms, and malware, 24/7, to identify trading or selling of personal information like SSNs, bank accounts, email

addresses, medical ID numbers, driver's license numbers, passport numbers, credit and debit cards, phone numbers, and other unique identifiers.

- iii. **IDENTITY THEFT INSURANCE** - Identity theft insurance will reimburse members for expenses associated with restoring their identity should they become a victim of identity theft. If a member's identity is compromised, the policy provides coverage for up to \$1,000,000, with no deductible, from an A.M. Best "A-rated" carrier. Coverage is subject to the terms, limits, and/or exclusions of the policy.
- iv. **FULLY-MANAGED IDENTITY RECOVERY** - ID Experts' fully-managed recovery service provides restoration for identity theft issues such as (but not limited to): account creation, criminal identity theft, medical identity theft, account takeover, rental application, tax fraud, benefits fraud, and utility creation. This service includes a complete triage process for affected individuals who report suspicious activity, a personally assigned IDCare Specialist to fully manage restoration of each case, and expert guidance for those with questions about identity theft and protective measures.

If you are interested in this free service, please utilize enrollment code _____ with ID Experts by enrolling online at <https://app.idx.us/account-creation/protect> or calling ID Experts toll free at _____ . You may also otherwise contact _____ to enroll.

What You Can Do

To enroll in the complimentary services being offered, please follow the instructions provided above and below. You must enroll within ninety (90) days from the date of this letter. Please note that to activate monitoring services, you will need an internet connection and e-mail account. Additionally, you may be required to provide your name, date of birth, and Social Security number to confirm your identity. Due to privacy laws, we cannot register you directly. Please note that certain services might not be available for individuals who do not have a credit file with the credit bureaus or an address in the United States (or its territories) and a valid Social Security number. Activating this service will not affect your credit score.

As data incidents are increasingly common, we encourage you to always remain vigilant, monitor your accounts, and immediately report any suspicious activity or suspected misuse of your personal information. Additionally, we recommend that you review the following pages, which contain important additional information about steps you can take to safeguard your personal information, such as the implementation of fraud alerts and security freezes.

For More Information

Please know that the protection of your personal information is a top priority, and we understand the impact and concern this that DonorPerfect incident may cause. If you have any questions or requests for NESS, please contact _____ .

Sincerely,

Eric Isselhardt
Chief Executive Officer
New England Science and Sailing Foundation, Inc. dba NESS

Additional Important Information

Fraud Alerts: You can place fraud alerts with the three credit bureaus by phone and online with Equifax (https://assets.equifax.com/assets/personal/Fraud_Alert_Request_Form.pdf); TransUnion (<https://www.transunion.com/fraud-alerts>); or Experian (<https://www.experian.com/fraud/center.html>). 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. As of September 21, 2018, initial fraud alerts last for one year. Victims of identity theft can also get an extended fraud alert for seven years. The phone numbers for all three credit bureaus are located below.

Credit Report: You may obtain a copy of your credit report, free of charge whether or not you suspect any unauthorized activity on your account, from each of the three nationwide credit reporting agencies. To order your free credit report, please visit www.annualcreditreport.com, or call toll-free at 1-877-322-8228. You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available at <https://www.consumer.ftc.gov/articles/0155-free-credit-reports>) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

Monitoring: You should always remain vigilant and monitor your accounts for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for suspicious or unusual activity.

Security Freeze: You 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, 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 or a minor under the age of 16, 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. As of September 21, 2018, it is free to place, lift, or remove a security freeze. You may also place a security freeze for children under the age of 16. You may obtain a free 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
equifax.com/personal/credit-report-services/
1-800-349-9960

Experian Security Freeze

P.O. Box 9554
Allen, TX 75013
experian.com/freeze/center.html
1-888-397-3742

TransUnion Security Freeze

P.O. Box 160
Woodlyn, PA 19094
transunion.com/credit-freeze
1-888-909-8872

Federal Trade Commission and Law Enforcement Resources: You can obtain additional information from your state's Attorney General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft. You can report any suspected identity theft to the Federal Trade Commission and law enforcement.

Implementing an Identity Protection PIN (IP PIN) with the IRS:

To help protect against a fraudulent tax return being filed under your name, we recommend Implementing an Identity Protection PIN (IP PIN) with the IRS. An IP PIN is a six-digit number that prevents someone else from filing a tax return using your Social Security number or Individual Taxpayer Identification Number. The IP PIN is known only to you and the IRS. It helps the IRS verify your identity when you file your electronic or paper tax return. Even though you may not have a filing requirement, an IP PIN still protects your account.

If you don't already have an IP PIN, you may get an IP PIN as a proactive step to protect yourself from tax-related identity theft. If you want to request an IP PIN, please note: you must pass an identity verification process; and Spouses and dependents are eligible for an IP PIN if they can pass the identity verification process. The fastest way to receive an IP PIN is by using the online Get an IP PIN tool found at: <https://www.irs.gov/identity-theft-fraud-scams/get-an-identity-protection-pin>. If you wish to get an IP PIN and you don't already have an account on IRS.gov, you must register to validate your identity. Some items to consider when obtaining an IP PIN with the IRS:

- An IP PIN is valid for one calendar year.
- A new IP PIN is generated each year for your account.
- Logging back into the Get an IP PIN tool, will display your current IP PIN.
- An IP PIN must be used when filing any federal tax returns during the year including prior year returns.

Residents of New Mexico: Individuals interacting with credit reporting agencies have rights under the Fair Credit Reporting Act. We encourage you to review your rights under the Fair Credit Reporting Act by visiting https://files.consumerfinance.gov/f/documents/bcfc_consumer-rights-summary_2018-09.pdf, or by requesting information in writing from the Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

Residents of Vermont: If you do not have internet access but would like to learn more about how to place a security freeze on your credit report, contact the Vermont Attorney General's Office at 802-656-3183 (800-649-2424 toll free in Vermont only).

Residents of Washington, D.C.: You can obtain information about steps to take to avoid identity theft from the Office of the Attorney General for the District of Columbia at: 441 4th Street, NW, Washington, DC 20001; 202-727-3400; www.oag.dc.gov.

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.

New York Office of Attorney General Consumer Frauds & Protection, The Capitol, Albany, NY 12224 1-800-771-7755 <https://ag.ny.gov/consumer-frauds/identity-theft>.

Federal Trade Commission Consumer Response Center, 600 Pennsylvania Ave, NW Washington, DC 20580 1-877-IDTHEFT (438-4338) www.ftc.gov/idtheft.