

# VEDDERPRICE.

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CHICAGO • NEW YORK • WASHINGTON, DC

LONDON • SAN FRANCISCO • LOS ANGELES

January 15, 2016

**VIA E-MAIL (ATTORNEYGENERAL@DOJ.NH.GOV)**  
**AND FEDERAL EXPRESS**

The Honorable Joseph Foster  
Attorney General of the State of New Hampshire  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

***Re: Notification of a Computer Security Breach Involving Personal Information Pursuant to N.H. Rev. Stat. § 359-C:20***

Dear Attorney General Foster:

We represent New West Health Services d/b/a New West Medicare (“New West”) in connection with a recent incident that may have impacted the security of certain personal information of five (5) New Hampshire residents. Pursuant to N.H. Rev. Stat. § 359-C:20, New West is reporting the theft of a company laptop computer that contained electronic files with personal information from past and present New West customers.

The investigation of this incident is ongoing, and this notice will be supplemented, if necessary, with any new significant facts discovered subsequent to its submission. By providing this notice, New West does not waive any potential rights or defenses regarding the applicability of New Hampshire law or personal jurisdiction in connection with this incident.

### **Background of the Incident**

New West is a not-for-profit, provider-sponsored health plan offering Medicare Advantage and Medicare Supplement plans. With its headquarters in Helena, operations center in Kalispell and regional sales office in Billings, New West proudly serves the Medicare population in the state of Montana. New West has been in operation since 1998 and is a licensed health services corporation, holding a Centers for Medicare and Medicaid Services (“CMS”) contract since 2005. New West’s individual Medicare Advantage plans are offered in 25 Montana counties, and its Medicare Supplement plans are offered in all Montana counties. New West currently serves 15,200 members in Montana as of January 1, 2016.

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On November 18, 2015, a laptop of a New West salesperson was stolen from a meeting room at a Holiday Inn located in Missoula, Montana. The laptop was password protected, and there is no evidence to suggest that the information stored on the laptop was the target of the theft or that the information has been misused.

Upon discovery of the theft of the laptop, New West immediately launched an investigation to determine what information it contained. New West also notified the Missoula police department and continues to work closely with law enforcement's criminal investigation. New West retained Navigant, a leading national computer forensics firm, to assist in its investigation. The forensic investigation involved a lengthy process to identify what information was on the laptop and who may have been affected.

The computer contained information from current and former customer insurance applications and/or premium payments. Although New West's investigation is ongoing, New West currently believes that this includes the affected New Hampshire customers' names, addresses and Social Security numbers or Medicare claim numbers. Additionally, the laptop may have contained two of the New Hampshire customers' health information, including date of birth, medical history and condition, diagnosis and/or prescription information.

## **Notice to the Five (5) New Hampshire Residents**

On January 15, 2016, New West is notifying the five (5) affected New Hampshire residents of the incident. Attached are samples of the two (2) types of notification letters that have been sent to the New Hampshire residents via United States first-class mail.

In addition, New West has established a call center (877-802-1399) that affected customers can contact Monday through Friday from 7:00 a.m. to 7:00 p.m. to ask questions and to receive further information regarding the incident. New West has also established a website (<https://www.newwestmedicare.com/securityupdate>) that customers can access to receive helpful information, including, but not limited to, how they can protect themselves against identity theft and fraud. New West has arranged to offer one (1) year of complimentary credit monitoring and identity theft protection services through Experian to the five (5) New Hampshire residents.

## **Other Steps Undertaken and to Be Undertaken by New West**

In addition to conducting an extensive internal investigation and working with law enforcement, New West is implementing additional security measures to help prevent this type of incident from occurring in the future. This incident unfortunately involved one of the few New West laptops that stored sensitive personal and health information that had not been encrypted. Accordingly, New West will ensure that encryption is installed on all New West laptops containing sensitive personal and health information. In the near future, New West will be providing additional education and training for all its employees on cybersecurity, including computer and laptop security best practices. Finally, New West is reviewing its data security

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policies and practices in light of this incident and will enhance those policies and practices as necessary and appropriate.

**Contact Information**

Please contact me if you have any questions or if I can provide you with any further information concerning this matter. Thank you.

Very truly yours,



Bruce A. Radke

BAR/bah

Enclosures

cc: Angela E. Huschka, Chief Executive Officer, New West Health Services  
d/b/a New West Medicare



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

<<mail id>>  
<<Name>>  
<<Address>>  
<<Address>>  
<<City>>, <<State>> <<Zip Code>>

<<Date>>

Dear <<Name>>,

I am writing to let you know about a serious matter that may affect your personal information. On November 18, 2015, a New West Health Services laptop computer was stolen from an off-site location when an employee was out of the office traveling on business. The computer contained electronic files with personal information from past and present New West customers. The computer was password protected, and **there is no evidence that any customer information has been accessed or misused.**

When the computer was stolen, we immediately launched an investigation to determine what information it contained. We notified law enforcement, and we continue to work closely with their criminal investigation. We also retained Navigant, a leading national computer forensics firm, to assist us in our investigation. The forensic investigation involved a lengthy process to identify what information was on the laptop and who may have been affected.

We believe some of your personal information may have been saved on the stolen computer. The computer contained an electronic database with information from customer insurance applications and/or premium payments. This information may include your name, address, and Social Security number or Medicare claim number.

We take the security of your personal information very seriously and sincerely apologize that this incident occurred. In addition to conducting an extensive internal investigation and working with law enforcement, we are implementing additional security measures to help prevent this type of incident from occurring in the future. These include installing additional encryption on all New West laptops, enhancing education for our employees, and strengthening our data security policies and practices.

To reiterate, while we have no indication that the data has been used inappropriately, out of an abundance of caution and because we value the relationship we have with our members, we are offering you free credit monitoring and identity protection services through Experian's® ProtectMyID® Alert, which will promptly alert you to potential issues and help you resolve them. ProtectMyID Alert is being offered at no cost to you. Please see the additional information included in this letter for instructions on how to activate your complimentary one-year membership, and for a list of other steps you may wish to take to protect yourself.

We recognize you may have concerns and have established a call center to answer any questions. We are available Monday-Friday from 7 a.m. – 7 p.m. MST at 877-802-1399. We also have established a website to answer questions: <https://www.newwestmedicare.com/securityupdate>.

Sincerely,

Angela E. Huschka  
Chief Executive Officer  
New West Health Services d/b/a New West Medicare

## Activating Your Complimentary Credit Monitoring

To help protect your identity, we are offering a **complimentary** one-year membership of Experian's® ProtectMyID® Alert. This product helps detect possible misuse of your personal information, and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

### Activate ProtectMyID Now in Three Easy Steps

1. ENSURE That You Enroll By: **April 17, 2016** (Your code will not work after this date.)
2. VISIT the **ProtectMyID Web Site** to enroll: [www.protectmyid.com/redeem](http://www.protectmyid.com/redeem)
3. PROVIDE Your Activation Code: «**ACTIVATION\_CODE**»

If you have questions or need an alternative to enrolling online, please call 877-288-8057 and provide engagement # PC98568.

### ADDITIONAL DETAILS REGARDING YOUR 12-MONTH PROTECTMYID MEMBERSHIP:

A credit card is not required for enrollment.

Once your ProtectMyID membership is activated, you will receive the following features:

- **Free copy of your Experian credit report**
- **Surveillance Alerts for:**
  - **Daily Bureau Credit Monitoring:** Alerts of key changes and suspicious activity found on your Experian, Equifax® and TransUnion® credit reports.
- **Identity Theft Resolution and ProtectMyID ExtendCARE:** Toll-free access to U.S.-based customer care and a dedicated Identity Theft Resolution agent, who will walk you through the process of fraud resolution from start to finish for seamless service. They will investigate each incident; help with contacting credit grantors to dispute charges and close accounts, including credit, debit and medical insurance cards; assist with freezing credit files; and contact government agencies.
  - It is recognized that identity theft can happen months and even years after a data breach. To offer added protection, you will receive ExtendCARE™, which provides you with the same high level of Fraud Resolution support even after your ProtectMyID membership has expired.
- **\$1 Million Identity Theft Insurance:**\* Immediately covers certain costs, including lost wages, private investigator fees and unauthorized electronic fund transfers.

**Activate your membership today at [www.protectmyid.com/redeem](http://www.protectmyid.com/redeem)  
or call 877-288-8057 to register with the activation code above.**

Once your enrollment in ProtectMyID is complete, you should carefully review your credit report for inaccurate or suspicious items. If you have any questions about ProtectMyID, need help understanding something on your credit report, or suspect that an item on your credit report may be fraudulent, please contact Experian's customer care team at 877-288-8057.

### Additional Important Information

As a precautionary measure, we recommend that you remain vigilant to protect against potential fraud and/or identity theft by, among other things, reviewing your credit card 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 should also promptly report any fraudulent activity or any suspected incidents of identity theft to proper law enforcement authorities, including the police and your state's attorney general, as well as the Federal Trade Commission ("FTC").

You may wish to review the tips provided by the FTC on fraud alerts, security/credit freezes and steps to you can take to avoid identity theft. For more information and to contact the FTC, please visit [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or call 1-877-ID-THEFT (1-877-438-4338). You may also contact the FTC at: Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

\*Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of AIG. The description herein is a summary and is intended for informational purposes only, and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions and exclusions of coverage. Coverage may not be available in all jurisdictions.

**Credit Reports:** You may obtain a free copy of your credit report once every 12 months from each of the three national credit reporting agencies by visiting <http://www.annualcreditreport.com>, by calling toll free 1-877-322-8228, 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 a copy of the request form at <https://www.annualcreditreport.com/cra/requestformfinal.pdf>.

Alternatively, you may elect to purchase a copy of your credit report by contacting one of the three national credit reporting agencies. Contact information for the three national credit reporting agencies for the purpose of requesting a copy of your credit report or for general inquiries, including obtaining information about fraud alerts and placing a security freeze on your credit files, is as follows:

Equifax  
1-800-349-9960  
[www.equifax.com](http://www.equifax.com)  
P.O. Box 105788  
Atlanta, GA 30348

Experian  
1-888-397-3742  
[www.experian.com](http://www.experian.com)  
P.O. Box 9554  
Allen, TX 75013

TransUnion  
1-888-909-8872  
[www.transunion.com](http://www.transunion.com)  
P.O. Box 2000  
Chester, PA 19022

**Fraud Alerts:** 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 new accounts in your name. To place a fraud alert on your credit report, contact any of the three national credit reporting agencies using the contact information listed above. Additional information is available at <http://www.annualcreditreport.com>.

**Credit and Security Freezes:** You may have the right to put a credit freeze, also known as a security freeze, on your credit file, so that no new credit can be opened in your name without the use of a PIN number that is issued to you when you initiate a freeze. A credit freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a credit freeze, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a credit freeze may delay your ability to obtain credit. In addition, you may incur fees to place, lift and/or remove a credit freeze. Credit freeze laws vary from state to state. The cost of placing, temporarily lifting, and removing a credit freeze also varies by state, generally \$5 to \$20 per action at each credit reporting company. *Unlike a fraud alert, you must separately place a credit freeze on your credit file at each credit reporting company.* Since the instructions for how to establish a credit freeze differ from state to state, please contact the three major credit reporting companies as specified below to find out more information:

Equifax Security Freeze  
P.O. Box 105788  
Atlanta, GA 30348

Experian Security Freeze  
P.O. Box 9554  
Allen, TX 75013

TransUnion Security Freeze  
Fraud Victim Assistance Department  
P.O. Box 6790  
Fullerton, CA 92834

You can obtain more information about the fraud alerts and credit freezes by contacting the FTC or one of the national credit reporting agencies listed above

**California and Wyoming Residents:** This notice has not been postponed at the request of a law enforcement agency; however, we did communicate with law enforcement prior to issuing this notice.

**Iowa Residents:** You may contact local law enforcement or the Iowa Attorney General's Office to report suspected incidents of identity theft. You can contact the Iowa Attorney General at:

Office of the Attorney General  
1305 E. Walnut Street  
Des Moines, IA 50319  
(515) 281-5164  
and on-line at <http://www.iowaattorneygeneral.gov/>

**Maryland Residents:** Maryland residents can contact the Office of the Attorney General to obtain information about steps you can take to avoid identity theft at:

Office of the Attorney General  
220 St. Paul Place  
Baltimore, MD 21202  
(888) 743-0023  
[www.oag.state.md.us](http://www.oag.state.md.us)

**North Carolina Residents:** North Carolina residents can obtain information about preventing identity theft from the North Carolina Attorney General's Office at:  
North Carolina Attorney General's Office  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
(877) 566-7226  
[www.ncdoj.com](http://www.ncdoj.com)



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

<<mail id>>  
<<Name>>  
<<Address>>  
<<Address>>  
<<City>>, <<State>> <<Zip Code>>

<<Date>>

Dear <<Name>>,

I am writing to let you know about a serious matter that may affect your personal information. On November 18, 2015, a New West Health Services laptop computer was stolen from an off-site location when an employee was out of the office traveling on business. The computer contained electronic files with personal information from past and present New West customers. The computer was password protected, and **there is no evidence that any customer information has been accessed or misused.**

When the computer was stolen, we immediately launched an investigation to determine what information it contained. We notified law enforcement, and we continue to work closely with their criminal investigation. We also retained Navigant, a leading national computer forensics firm, to assist us in our investigation. The forensic investigation involved a lengthy process to identify what information was on the laptop and who may have been affected.

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P.O. Box 9554  
Allen, TX 75013

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Chester, PA 19022

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[www.oag.state.md.us](http://www.oag.state.md.us)

**North Carolina Residents:** North Carolina residents can obtain information about preventing identity theft from the North Carolina Attorney General's Office at:  
North Carolina Attorney General's Office  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
(877) 566-7226  
[www.ncdoj.com](http://www.ncdoj.com)