

BakerHostetler

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CONSUMER PROTECTION

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November 15, 2018

VIA OVERNIGHT MAIL

Attorney General Gordon MacDonald
New Hampshire Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Incident Notification

Dear Sir or Madam:

We are writing on behalf of our client, Newegg Inc. (“Newegg”), to notify you of a security incident involving New Hampshire residents.

On September 18, 2018, Newegg received information about possible unauthorized access to the servers that run its website. Newegg immediately began an investigation with the assistance of a leading computer security firm and identified the possibility that an unauthorized user changed its website checkout page to collect certain customer information without authorization. Newegg removed the unauthorized code, took further measures to secure its servers, and reported the incident to law enforcement and the payment card networks. On September 19, 2018, Newegg sent email notice to customers about the potential incident and encouraged them to review payment card statements for unauthorized charges. On October 15, 2018, the investigation determined the information collected could include customers’ order information—including name, address, payment card number, expiration date, and card security code (CVV2)—for certain orders placed on the Newegg website where a credit card number was entered while placing an order between August 13, 2018, and September 19, 2018. On October 23, 2018, Newegg confirmed that the customers involved in this incident may include 1,066 New Hampshire residents.

On November 15, 2018, Newegg will begin mailing notification letters to the New Hampshire residents in accordance with N.H. Rev. Stat. § 359-C:20, via United States First-Class mail, in substantially the same form as the enclosed letter.¹ Notice is being provided to the

¹ This report is not, and does not constitute, a waiver of Newegg’s objection that New Hampshire lacks personal jurisdiction over the company related to this matter.

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individuals as soon as possible and without undue delay. Newegg is providing a telephone number for potentially affected individuals to call with any questions they may have.

To help prevent a similar incident from occurring in the future, Newegg has implemented further security measures for its website. In addition, Newegg is working with the payment card networks so that banks that issue payment cards can be made aware.

Newegg takes the security of its customers' personal information very seriously and is committed to protecting that information. Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Anthony P. Valach". The signature is written in a cursive style with a large initial 'A'.

Anthony P. Valach
Counsel

Enclosure



SHOPPING UPGRADED

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>>

Dear <<Name 1>>:

Newegg understands the importance of protecting our customers' information. We are writing to inform you of a recent incident that may have involved your order and payment card information. This letter explains the incident, measures we have taken, and steps you can take in response.

On September 18, 2018, we received information about possible unauthorized access to the servers that run our website. We immediately began an investigation with the assistance of a leading computer security firm and identified the possibility that an unauthorized user changed our website's checkout page to collect certain customer information without authorization. We removed the unauthorized code, took further measures to secure our servers, and reported the incident to law enforcement and the payment card networks. On October 15, 2018, the investigation determined the information collected could include customers' order information—including name, address, payment card number, expiration date, and card security code (CVV2)—for certain orders placed on our website where a credit card number was entered while placing the order between August 13, 2018, and September 19, 2018. We are notifying you because you placed an order during this period and your information may have been collected. <<variable data>>

We encourage you to closely review your payment card statements for any unauthorized charges. You should immediately report any such charges to the bank that issued your card because payment card network rules generally provide that cardholders are not responsible for unauthorized charges that are reported in a timely manner. The phone number to call is usually on the back of your payment card. Information on additional steps you can take can be found on the following pages.

We take the security of our customers' personal information very seriously. To help prevent a similar incident from occurring in the future we have implemented additional security measures for our website.

If you have any questions, please call 888-724-0243 Monday through Friday, from 6:00 a.m. to 6:00 p.m. Pacific Time.

Sincerely,

Danny Lee
CEO Newegg

ADDITIONAL STEPS YOU CAN TAKE

We recommend that you remain vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. If you detect any unauthorized activity on financial accounts, you should immediately contact your financial institution. We also recommend that you make your financial institution aware of this incident and take their advice on steps to protect your bank account. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. To order your annual free credit report, please visit www.annualcreditreport.com or call toll free at 1-877-322-8228. Contact information for the three nationwide credit reporting companies is as follows:

Experian, PO Box 2002, Allen, TX 75013, www.experian.com, 1-888-397-3742

TransUnion, PO Box 2000, Chester, PA 19016, www.transunion.com, 1-800-916-8800

Equifax, PO Box 740241, Atlanta, GA 30374, www.equifax.com, 1-800-685-1111

If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your state. You can obtain information from these sources about steps an individual can take to avoid identity theft as well as information about fraud alerts and security freezes. You should also contact your local law enforcement authorities and file a police report. Obtain a copy of the police report in case you are asked to provide copies to creditors to correct your records. Contact information for the Federal Trade Commission is as follows:

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

If you are a resident of Connecticut, Maryland, North Carolina, you may contact and obtain information from your state attorney general at:

Connecticut Attorney General's Office, 55 Elm Street, Hartford, CT 06106, 860-808-5318, www.ct.gov/ag

Maryland Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202, www.oag.state.md.us, 888-743-0023 (toll free when calling within Maryland), (410) 576-6300 (for calls originating outside Maryland)

North Carolina Attorney General's Office, 9001 Mail Service Center, Raleigh, NC 27699, www.ncdoj.gov, 919-716-6400

Credit Freezes: You have the right to put a "security freeze," also known as a credit freeze, on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security 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 security 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 have the right to freeze and unfreeze your credit report free of charge with the three credit reporting agencies. Unlike a fraud alert, you must separately place a credit freeze on your credit file at each credit reporting company.

For more information, visit the FTC's identity theft website at www.identitytheft.gov. To place a security freeze on your credit report, you can submit a request on the websites of the three major reporting agencies or send a written request to each by regular, certified, or overnight mail at the addresses below:

Experian Security Freeze, PO Box 9554, Allen, TX 75013, www.experian.com

TransUnion Security Freeze, PO Box 2000, Chester, PA 19016, www.transunion.com

Equifax Security Freeze, PO Box 105788, Atlanta, GA 30348, www.equifax.com

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.)
2. Social Security number
3. Date of birth
4. If you have moved in the past five years, provide the addresses where you have lived over the prior 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.)
7. If you are a victim of identity theft, include a copy of the police report, investigative report, or complaint to a law enforcement agency concerning identity theft

The credit reporting agencies have one business day after receiving your request by toll-free telephone or secure electronic means, or three business days after receiving your request by mail, to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five business days and provide you with a unique personal identification number ("PIN") or password or both that can be used by you to authorize the removal or lifting of the security freeze.

To lift the security freeze in order to allow a specific entity or individual access to your credit report, or to lift a security freeze for a specified period of time, you must submit a request through a toll-free telephone number, a secure electronic system maintained by a credit reporting agency, or by sending a written request via regular, certified, or overnight mail to the credit reporting agencies and include proper identification (name, address, and Social Security number) and the PIN number or password provided to you when you placed the security freeze as well as the identity of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have one business day after receiving your request by toll-free telephone or secure electronic means, or three business days after receiving your request by mail, to lift the security freeze for those identified entities or for the specified period of time.

To remove the security freeze, you must submit a request through a toll-free telephone number, a secure electronic system maintained by a credit reporting agency, or by sending a written request via regular, certified, or overnight mail to each of the three credit bureaus and include proper identification (name, address, and Social Security number) and the PIN number or password provided to you when you placed the security freeze. The credit bureaus have one business day after receiving your request by toll-free telephone or secure electronic means, or three business days after receiving your request by mail, to remove the security freeze.

Fraud Alerts: As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a one-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 7 years.

For more information, visit the FTC's identity theft website at www.identitytheft.gov. You can place a fraud alert on your credit report by contacting any of the three national credit reporting agencies.

Fair Credit Reporting Act: You also have rights under the federal Fair Credit Reporting Act, which promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. The FTC has published a list of the primary rights created by the FCRA (<https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>), and that article refers individuals seeking more information to visit www.ftc.gov/credit. The FTC's list of FCRA rights includes:

- You have the right to receive a copy of your credit report. The copy of your report must contain all the information in your file at the time of your request.
- Each of the nationwide credit reporting companies – Experian, TransUnion and Equifax – is required to provide you with a free copy of your credit report, at your request, once every 12 months.
- You are also entitled to a free report if a company takes adverse action against you, like denying your application for credit, insurance, or employment, and you ask for your report within 60 days of receiving notice of the action. The notice will give you the name, address, and phone number of the credit reporting company. You're also entitled to one free report a year if you're unemployed and plan to look for a job within 60 days; if you're on welfare; or if your report is inaccurate because of fraud, including identity theft.
- You have the right to ask for a credit score.
- You have the right to dispute incomplete or inaccurate information.
- 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. And you must give your consent for reports to be provided to employers.
- You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.
- You may seek damages from violators.
- Identity theft victims and active duty military personnel have additional rights.