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**Admitted to practice in Maryland and Washington, D.C.*

April 30, 2021

Privileged and Confidential
VIA EMAIL ONLY

Consumer Protection Bureau
Office of the Attorney General
33 Capitol Street Concord, NH 03301
DOJ-CPB@doj.nh.gov

Re: Notice of Data Incident

To Whom It May Concern:

We are writing on behalf of our client, Payne and Fears, LLP (“Payne and Fears”) (located at Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614), to notify your office of a security breach one (1) New Hampshire resident.¹

Nature

On March 8, 2021, Payne & Fears discovered that they were the victim of a sophisticated ransomware attack that resulted in unauthorized access to their network. At that time, Payne and Fears took immediate steps to stop the threat and understand the full scope of the situation. This included hiring third-party forensic experts to conduct a thorough investigation, remediation efforts, and contacting the FBI to seek assistance with the incident. On March 23, 2021, Payne and Fears concluded their initial investigation and determined that certain information was likely subject to unauthorized access due to the attack.

At that time, Payne and Fears engaged an e-Discovery firm to begin a comprehensive review of the above-stated information to determine what personal information may have been present and extract any contact information for the impacted individuals.

On April 19, 2021, Payne and Fears confirmed that personally identifiable information of one New Hampshire resident was subject to unauthorized access. Finally, on April 26, 2021, Payne and Fears confirmed the most recent address of this individual.

The personal information involved a social security number and passport number.

¹ By providing this notice, Payne and Fears does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

Notice and Payne and Fears Response to the Event

On April 30, 2021, Payne and Fears will mail written notifications to the potentially affected New Hampshire resident (in accordance with N.H. Rev. Stat. § 359-C:20(I)(b)) in a substantially similar form as the enclosed letter (attached as Exhibit A).

Additionally, Payne and Fears is providing these potentially impacted individuals the following:

- Free access to credit monitoring services for at least twelve months (12), through Experian;
- Guidance on ways to protect against identity theft and fraud, including steps to report any suspected activities or events of identity theft or fraud to their credit card company and/or bank.
- The appropriate contact information for the consumer reporting agencies along with information on how to obtain a free credit report and place a fraud alert and security freeze on their credit file;
- 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, the Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

Further, Payne and Fears provided the required notice to any applicable government regulator, official, and other states Attorney Generals. Finally, Payne and Fears is working to implement any necessary additional cybersecurity safeguards and training for its employees to attempt to prevent a similar event from occurring in the future.

Contact Information

If you have any questions or wish to discuss this event further, please do not hesitate to call me on my direct dial (410) 917-5189 or email me at sspollock@nilesbarton.com.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Spencer S. Pollock". The signature is fluid and cursive, with a large initial "S" and "P".

Spencer S. Pollock, Esq., CIPP/US, CIPM

EXHIBIT A

April 30, 2021

G4285-L01-0000001 T00001 P001 *****AUTO**MIXED AADC 159



SAMPLE A. SAMPLE - L01

APT ABC

123 ANY ST

ANYTOWN, ST 12345-6789



Re: Notice of Data Breach

Dear Sample A. Sample:

We are writing to notify you of a recent incident involving Payne & Fears' network that may have impacted some of your personal information. As such, we are providing you with background about the incident, what we did in response, and steps you can take to protect yourself against possible misuse of your personal information.

Payne & Fears is a law firm that provides a range of litigation and counseling services to companies and organizations throughout the United States. As a part of its business, Payne & Fears is often provided with access to personal information relating to those who were party to a case involving a firm client. If you are receiving this notice, Payne & Fears had access to some of your information because it was obtained during a case pertaining to a Payne & Fears' client.

What Happened

On March 8, 2021, Payne & Fears discovered that we were the victim of a sophisticated ransomware attack that resulted in unauthorized access to our network. The following day we found a digital note left by the unauthorized party alleging that they obtained some data that may have included your personal information.

At that time, our firm took immediate steps to stop the threat and to understand the full scope of the situation. This included hiring third-party forensic experts to conduct a thorough investigation, remediation efforts, and contacting the FBI to seek assistance with the incident. On March 23, 2021, we concluded our initial investigation and determined that certain information was likely subject to unauthorized access as a result of the attack. At that time, we engaged a firm to begin a comprehensive review of the above-stated information to determine what personal information may have been present and extract any contact information for the impacted individuals.

On April 19, 2021, we confirmed that some of your information was subject to unauthorized access.

What Information Was Involved

The information that could have been compromised and or obtained includes [EXTRA1 - PII].



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What We Are Doing

The security and privacy of the information contained within our systems is a top priority for us. In response to this attack, we implemented additional safeguards and employee training related to cybersecurity.

Further, we are offering to you a complimentary and free-of-cost one-year membership through Experian's® IdentityWorksSM. We are providing this service free of charge, and signing up for this service will not impact your credit score. A description of the services and instructions on enrolling can be found within the ***Other Important Information*** section.

To take advantage of this offer, you must enroll by July 31, 2021.

What You Can Do

We encourage you to review the enclosed ***Other Important Information***, which contains essential information on how to best protect yourself from potential identity theft and fraud. Further, we strongly recommend you remain vigilant, monitor and review all of your financial and account statements, and report any unusual activity to the institution that issued the record and law enforcement.

For More Information

We sincerely regret this incident, and we understand that you may have questions about it beyond what is covered in this letter. If you have any additional questions, please call our toll-free response line at (833) 704-9391 Monday through Friday from 9 am – 11 pm Eastern, or Saturday and Sunday from 11 am – 8 pm Eastern (excluding major U.S. holidays). Be prepared to provide your engagement number B012280.

Sincerely yours,



Kelby Van Patten
PARTNER

OTHER IMPORTANT INFORMATION

Enroll for Credit Monitoring and Identity Theft Protection Services

To help protect your identity, we are offering a complimentary one-year membership of Experian's® IdentityWorksSM. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by: July 31, 2021** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with identity restoration, or would like an alternative to enrolling in Experian's® IdentityWorksSM online, please contact Experian's customer care team at **(833) 704-9391** by **July 31, 2021**. Be prepared to provide engagement number **B012280** as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-MONTH EXPERIAN IDENTITYWORKS MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks. You can contact Experian **immediately** regarding any fraud issues and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.*
- **Credit Monitoring:** Actively monitors Experian, Equifax, and Transunion files for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit-related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **Up to \$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

Obtain and Monitor Your Credit Report

We recommend that you obtain a free copy of your credit report from each of the three nationwide credit reporting agencies once every 12 months by visiting <http://www.annualcreditreport.com>, calling toll-free 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 access the request form at <https://www.annualcreditreport.com/requestReport/requestForm.action>.

Alternatively, you can elect to purchase a copy of your credit report by contacting one of the three national credit reporting agencies. Provided below are the three nationwide credit reporting agencies' contact information to request a copy of your credit report or general identified above inquiries.

Equifax
(866) 349-5191
www.equifax.com
P.O. Box 740241
Atlanta, GA 30374

Experian
(888) 397-3742
www.experian.com
P.O. Box 4500
Allen, TX 75013

TransUnion
(800) 888-4213
www.transunion.com
2 Baldwin Place
P.O. Box 1000
Chester, PA 19016

* Offline members will be eligible to call for additional reports quarterly after enrolling.

** The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

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Remain Vigilant, Review Your Financial Account Statements and Notify Law Enforcement of Suspicious Activity

As a precautionary measure, we recommend that you remain vigilant by closely reviewing your financial account statements and credit reports. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company that maintains the account. You also should immediately report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, including your state attorney general and the Federal Trade Commission (FTC). Complaints filed with the FTC will be added to the FTC's Identity Theft Data Clearinghouse, a database made available to law enforcement.

To file a complaint or to contact the FTC, you can (1) send a letter to the *Federal Trade Commission*, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580; (2) go to IdentityTheft.gov/databreach; or (3) call 1-877-ID-THEFT (877-438-4338).

Consider Placing a Fraud Alert on Your Credit Report

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 before establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three nationwide credit reporting agencies identified above. Additional information is available at <https://www.equifax.com/personal/credit-report-services/credit-fraud-alerts/>

Security Freeze (also known as a Credit Freeze)

You may have the right to put a credit or security freeze on your credit file. A security freeze makes it harder for someone to open a new account in your name. It is designed to prevent potential creditors from accessing your credit report without your consent. As a result, using a security freeze may interfere with or delay your ability to apply for a new credit card, wireless phone, or any service that requires a credit check.

You must separately place a security freeze on your credit file with each credit reporting agency. To place a security freeze, you may be required to provide the consumer reporting agency with information that identifies you, including your full name, Social Security number, date of birth, current and previous addresses, a copy of your state-issued identification card, and a recent utility bill, bank statement, or insurance statement. There is no charge to request a security freeze or to remove a security freeze.

Since the instructions for how to establish a security freeze differ based on your state residency, to find out more information, please contact the three nationwide credit reporting agencies (contact information provided above in the ***“Obtain and Monitor Your Credit Report”*** section).

Take Advantage of Additional Free Resources on Identity Theft

We recommend that you review the tips provided by the Federal Trade Commission's Consumer Information website, a valuable resource with some helpful tips on how to protect your information. Additional information is available at <https://www.consumer.ftc.gov/topics/privacy-identity-online-security>

For more information, please visit IdentityTheft.gov or call 1-877-ID-THEFT (877-438-4338). A copy of Identity Theft – A Recovery Plan, a comprehensive guide from the FTC to help you guard against and deal with identity theft, can be found on the FTC's website https://www.consumer.ftc.gov/articles/pdf-0009_identitytheft_a_recovery_plan.pdf

You also have certain rights under the **Fair Credit Reporting Act (FCRA)**: These rights include knowing what is in your file; disputing incomplete or inaccurate information; and requiring consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information. For more information about the FCRA, please visit <https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>

Iowa residents may also wish to contact the Office of the Attorney general on how to avoid identity theft by calling 515-281-5164 or by mailing a letter to the Attorney General at: *Office of the Attorney General of Iowa*, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, IA 50319. **Maryland residents** may wish to review the information the Attorney General, who can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-888-743-0023, or visiting www.oag.state.md.us. **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. **North Carolina residents** may wish to review the information provided by the North Carolina Attorney General at <https://ncdoj.gov/protecting-consumers/identity-theft/>, or by contacting the Attorney General by calling 1-877-566-7226 or emailing or by mailing a letter to the Attorney General at *North Carolina Attorney General's Office* 9001 Mail Service Center Raleigh, NC 27699. For **residents of Massachusetts**: State law advises you that you have the right to obtain a police report. You also will not be charged for seeking a security freeze, as described above in this document. **West Virginia residents** have the right to ask that the three nationwide credit reporting agencies place fraud alerts in their file (as described above) and or request a security freeze (as described above). To place or fraud alert on your file or request the security freeze, please contact three credit reporting agencies identified above.



