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CONSUMER PROTECTION

Via Certified Mail

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April 5, 2019

Office of the New Hampshire Attorney General
Consumer Protection & Antitrust Bureau
33 Capitol Street
Concord, NH 03301

Re: Legal Notice of Information Security Incident

Dear Sir or Madam:

I write on behalf of my client, Pie Five Pizza, to inform you of a potential security incident that may have affected the payment card information of some New Hampshire residents. Unfortunately, because this incident impacted point-of-sale transactions, Pie Five Pizza does not have the means to identify affected individuals or their state of residence. As a result, Pie Five Pizza is notifying affected individuals via notice on its website and through media and is outlining some steps that potentially affected individuals may take to help protect themselves. Pie Five Pizza is also notifying your office, out of an abundance of caution, in the event that any New Hampshire residents were affected.

Pie Five Pizza recently learned that an unauthorized individual was able to gain access to its network and install malicious software on its payment processing systems at certain locations designed to capture payment card information, including name, payment card account number, card expiration date, and card verification code, for transactions on point-of-sale terminals. Although there were no affected Pie Five locations in New Hampshire, we are providing notice to your office in the event that any New Hampshire resident visited affected locations in another state.

Pie Five Pizza takes the privacy of personal information very seriously, and deeply regrets that this incident occurred. Pie Five Pizza took steps to address and contain this incident promptly after it was discovered, including engaging outside data forensic experts to assist in investigating and remediating the situation. Pie Five Pizza has also contacted law enforcement and will continue to cooperate in their investigation of this incident.

Potentially affected individuals are being notified via media notice and a notification on Pie Five Pizza's website. A form copy of the website notice being provided to potentially affected individuals is included for your reference. If you have any questions or need further information regarding this incident, please contact me at (720) 566-4058 or kkleiner@cooley.com.



State of New Hampshire Attorney General
April 5, 2019
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Sincerely,

A handwritten signature in blue ink, appearing to read "Kristopher Kleiner". The signature is stylized and somewhat illegible due to the cursive nature of the writing.

Kristopher Kleiner

Enclosure

NOTICE OF DATA BREACH

Pie Five Pizza recently became aware of a security incident that could affect the payment card information of some customers who made purchases at certain Pie Five Pizza locations in late 2018. It is important to note that no sensitive personal information, such as social security number or personally identifying information, was affected in this incident. As a precaution, we are providing this notice to make potentially affected customers aware of the incident and provide information on steps they can take to help protect themselves. We take the security of our customers' information very seriously and deeply regret any inconvenience or concern this may cause you.

What Happened

Pie Five Pizza was recently alerted to a potential security incident. Based upon an extensive forensic investigation, it appears that an unauthorized individual was able to gain access to and install malicious software designed to capture payment card information on some of our payment processing systems at a limited number of our locations. Although we do not store payment card information on our systems, based on the forensic investigation, it appears that the malicious software was able to capture card information in real time as card information as it was being entered into certain of our systems. To find out if your Pie Five location was impacted, please visit <https://www.piefivepizza.com/paymentcardsecurity/store-list/> (<https://www.piefivepizza.com/paymentcardsecurity/store-list/>) for a list of affected locations and corresponding dates. Please note that this incident did not affect any purchases made on the PieFivePizza.com website.

What Information Was Involved

Based on our investigation to date, we believe the malicious software could have affected payment card data – including name, payment card account number, card expiration date, and card verification code – of some customers who used a payment card at affected Pie Five locations. The incident did not affect Social Security numbers, customer addresses, or any other sensitive personal information. Although not all transactions were affected, the forensic investigation has indicated that this incident may have impacted certain individuals who made payment card purchases between September 6, 2018, and December 2, 2018, however the exact dates vary from location to location. Please visit <https://www.piefivepizza.com/paymentcardsecurity/store-list/> (<https://www.piefivepizza.com/paymentcardsecurity/store-list/>) for a listing of the affected locations and the dates each location had affected transactions.

What We Are Doing

We take the security of our customers' information very seriously and, once we learned of this incident, we took immediate action including initiating an internal review, engaging independent forensic experts to assist us in the investigation and remediation of our systems and alerting law enforcement. While we are continuing to

review and enhance our security measures moving forward to help prevent a future incident, we can confirm that this issue has been resolved and is no longer affecting transactions at Pie Five Pizza locations.

What You Can Do

In order to help protect themselves, customers may wish to review credit and debit card account statements as soon as possible in order to determine if there are any discrepancies or unusual activity listed. We urge customers to remain vigilant and continue to monitor statements for unusual activity going forward. If they see anything they do not understand or that looks suspicious, or if they suspect that any fraudulent transactions have taken place, customers should immediately notify the issuer of the credit or debit card. In instances of payment card fraud, it is important to note that cardholders are typically not responsible for any fraudulent activity that is reported in a timely fashion.

Although this incident did not include Social Security numbers, addresses, or other sensitive personal information, as a general practice, we recommend that you carefully check your credit reports for accounts you did not open or for inquiries from creditors you did not initiate. If you see anything you do not understand, call the credit agency immediately. As an additional precaution, we are providing information and resources to help customers protect their identities. This includes an "Information About Identity Theft Protection" reference guide, which describes additional steps customers may take to help protect themselves, including recommendations from the Federal Trade Commission regarding identity theft protection.

For More Information

For more information about this incident, or if you have additional questions or concerns about this incident, you may contact us directly at 855-571-5867 between 8am – 8pm Central time, Monday through Friday. Again, we sincerely regret any concern this event may cause you.

Information about Identity Theft Protection

Review Accounts and Credit Reports: You can regularly review statements from your accounts and periodically obtain your credit report from one or more of the national credit reporting companies. You may obtain a free copy of your credit report online at www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281. You may also purchase a copy of your credit report by contacting one or more of the three national credit reporting agencies listed at the bottom of this page.

You should remain vigilant with respect to reviewing your account statements and credit reports, and you should promptly report any suspicious activity or suspected identity theft to the proper law enforcement authorities, including local law enforcement, your state's attorney general,

and/or the Federal Trade Commission ("FTC"). You may contact the FTC or your state's regulatory authority to obtain additional information about avoiding and protection against identity theft: Federal Trade Commission, Consumer Response Center 600 Pennsylvania Avenue, NW, Washington, DC 20580, 1-877-IDTHEFT (438-4338), www.ftc.gov/idtheft.

For residents of Maryland: You may also obtain information about preventing and avoiding identity theft from the Maryland Office of the Attorney General: 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.

For residents of North Carolina: You may also obtain information about preventing and avoiding identity theft from North Carolina Attorney General's Office: North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-5-NO-SCAM, www.ncdoj.gov.

For residents of Rhode Island: You may also obtain information about preventing and avoiding identity theft from the Rhode Island Office of the Attorney General: Rhode Island Office of the Attorney General, Consumer Protection Unit, 150 South Main Street, Providence, RI 02903, 401-274-4400, <http://www.riag.ri.gov>.

Security Freezes and Fraud Alerts:

You have a right to place a security 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.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements. Please contact the three major credit reporting companies as specified below to find out more information about placing a security freeze on your credit report.

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 1-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. You can place a fraud alert on your credit report by contacting any of the three national credit reporting agencies at the addresses or toll-free numbers listed at the bottom of this page.

Additional Information for Massachusetts Residents: Massachusetts law gives you the right to place a security freeze on your consumer reports. By law, you have a right to obtain a police report relating to this incident, and if you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it. You may request that a freeze be placed on your credit report by sending a request to a credit reporting agency by certified mail, overnight mail or regular stamped mail to the address below. The following information should be included when requesting a security freeze (documentation for you and your spouse must be submitted when freezing a spouse's credit report): full name, with middle initial and any suffixes; Social Security number, date of birth (month, day and year); current address and previous addresses for the past five (5) years; and an incident report or complaint with a law enforcement agency or the Department of Motor Vehicles. The request should also include a copy of a government-issued identification card, such as a driver's license, state or military ID card, and a copy of a utility bill, bank or insurance statement. Each copy should be legible, display your name and current mailing address, and the date of issue (statement dates must be recent).

Additional Information for New Mexico Residents: The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. Here is a summary of your major rights under the FCRA:

- You have the right to be told if information in your file has been used against you;
- You have the right to receive a copy of your credit report and the right to ask for a credit score;
- You have the right to dispute incomplete or inaccurate information;
- You have the right to dispute inaccurate, incomplete, or unverifiable information;
- You have the right to have outdated negative information removed from your credit file;
- You have the right to limit access to your credit file;
- You have the right to limit "prescreened" offers of credit and insurance you get based on information in your credit report;
- You have the right to seek damages from violators; and
- You have the right to place a "security freeze" on your credit report.

New Mexico Consumers Have the Right to Obtain a Security Freeze or Submit a Declaration of Removal. You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act.

The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval. The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for

a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and may need to provide all of the following:

- the unique personal identification number, password or similar device provided by the consumer reporting agency;
- proper identification to verify your identity; and
- information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.

A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying. As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.

For more information, including information about additional rights, you can visit <https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf> (<https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf%20>), <https://www.consumerfinance.gov/learnmore/> (<https://www.consumerfinance.gov/learnmore/>), or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

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

Equifax
(www.equifax.com)
General Contact:
P.O. Box 740241

Experian
(www.experian.com)
General Contact:
P.O. Box 2002

TransUnion
(www.transunion.com)
General Contact, Fraud
Alerts and Security

Atlanta, GA 30374
800-685-1111
Fraud Alerts:
P.O. Box 740256,
Atlanta, GA 30374
Credit Freezes:
P.O. Box 105788,
Atlanta, GA 30348

Allen, TX 75013
888-397-3742
Fraud Alerts and
Security Freezes:
P.O. Box 9554, Allen,
TX 75013

Freezes:
P.O. Box 2000
Chester, PA 19022
888-909-8872

GIFT CARDS ([HTTPS://WWW.PIEFIVEPIZZA.COM/GIFT-CARDS/](https://www.piefivepizza.com/gift-cards/))
FRANCHISING ([HTTPS://WWW.PIEFIVEPIZZA.COM/FRANCHISE/](https://www.piefivepizza.com/franchise/))
CAREERS ([HTTPS://WWW.PIEFIVEPIZZA.COM/CAREERS/](https://www.piefivepizza.com/careers/))
REAL ESTATE INQUIRES ([HTTPS://WWW.PIEFIVEPIZZA.COM/FRANCHISE/REAL-ESTATE/](https://www.piefivepizza.com/franchise/real-estate/))
INVESTORS ([HTTP://RAVERG.INVESTORROOM.COM/](http://raverg.investorroom.com/))
CONTACT ([HTTPS://WWW.PIEFIVEPIZZA.COM/CONTACT/](https://www.piefivepizza.com/contact/))
NUTRITION ([HTTPS://WWW.PIEFIVEPIZZA.COM/MENU/NUTRITION-CALCULATOR/](https://www.piefivepizza.com/menu/nutrition-calculator/))

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