

RECEIVED

APR 28 2022

CONSUMER PROTECTION



MULLEN
COUGHLIN_{LLC}
ATTORNEYS AT LAW

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April 21, 2022

VIA U.S. MAIL

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

Re: Notice of Data Event

Dear Sir or Madam:

We represent PPX Hospitality Brands LP, the managing group of The Smith & Wollensky Restaurant Group Inc. (“Smith & Wollensky”), located at One Seafood Way, Boston, MA 02210, and are writing to notify your office of an incident that may affect the security of some personal information relating to two (2) New Hampshire residents. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Smith & Wollensky 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.

Nature of the Data Event

On June 9, 2021, Smith & Wollensky discovered their network was the target of a sophisticated cyberattack. Smith & Wollensky secured the network, restored affected systems, and began an investigation to identify what happened and what information may have been affected. Through an internal investigation, it was determined that on June 9, 2021, an unauthorized actor may have had access to certain systems that stored personal information. Although Smith & Wollensky has no evidence of any identity theft or fraud in connection with this incident, it worked to restore the potentially affected data and then undertook a diligent and thorough review of the potentially accessible documents from these systems to determine what, if any, personal information may have been contained within them. On January 14, 2022, this extensive review identified certain information relating to current and former employees was present within the records. Smith & Wollensky has been working to locate address information for those individuals whose

information was present in the documents at the time of this event and began providing notice once it had located the contact information to do so.

The information that could have been subject to unauthorized access includes name, address and Social Security number.

Notice to New Hampshire Residents

On or about April 21, 2022, Smith & Wollensky provided written notice of this incident to all affected individuals, which includes two (2) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, Smith & Wollensky initiated an investigation to respond to the incident, assess the security of Smith & Wollensky systems, and notify potentially affected individuals. Smith & Wollensky is also working to implement additional safeguards and training to its employees. Smith & Wollensky is providing access to credit monitoring services for one (1) year, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Smith & Wollensky is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Smith & Wollensky is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, 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, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-2190.

Very truly yours,



Kevin M. Mekler of
MULLEN COUGHLIN LLC

KMK/cob
Enclosure

EXHIBIT A



Return Mail Processing
PO Box 999
Suwanee, GA 30024

4 3 681 *****AUTO**ALL FOR AADC 606

SAMPLE A. SAMPLE - L01

APT ABC



123 ANY ST

ANYTOWN, US 12345-6789



April 21, 2022

NOTICE OF [EXTRA3]

Dear Sample A. Sample:

The Smith & Wollensky Restaurant Group, Inc. (“Smith & Wollensky”) is writing to notify you of an incident that may affect the privacy of some of your information. Although we have no evidence of any identity theft or fraud occurring as a result of this incident, this letter provides details of the incident, our response, and resources available to you to help protect your information from possible misuse, should you feel it is appropriate to do so.

What Happened? On June 9, 2021 Smith & Wollensky discovered our network was the target of a sophisticated cyberattack. We secured the network, restored affected systems, and began an internal investigation to identify what happened and what information may have been affected. Through our investigation, we determined that on June 9, 2021 an unauthorized actor may have had access to certain systems that stored personal information. Although we have no evidence of any identity theft or fraud in connection with this incident, Smith & Wollensky undertook a diligent and thorough review of the potentially accessible documents from these systems to determine what, if any, personal information may have been contained within them. On January 14, 2022, this extensive review identified certain information relating to current and former employees was present within the records. Smith & Wollensky has been working to locate address information for those individuals whose information was present in the documents at the time of this event and began providing notice once we had located the contact information to do so.

What Information Was Involved? Our investigation determined the following types of your information may have been impacted by this incident: your name and [Extra2].

What We Are Doing. We take this incident and the security of information in our care seriously. Upon learning of this incident, we investigated and responded to this incident, assessed the security of relevant Smith & Wollensky systems, and notified potentially affected individuals. Our response included resetting relevant account passwords, reviewing the contents of the potentially accessed files and folders to determine whether they contained sensitive information, and reviewing internal systems to identify contact information for purposes of providing notice to potentially affected individuals. As part of our ongoing commitment to the security of information we are also reviewing and enhancing existing policies and procedures to reduce the likelihood of a similar future event.

We are also offering you access to complimentary credit monitoring and identity protection services for [Extra4] months through Experian. These services include credit monitoring and identity theft restoration services. If you wish to activate the credit monitoring and identity protection services, you may follow the instructions included in the *Steps You Can Take to Help Protect Personal Information*.



What You Can Do. We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and explanation of benefits and monitoring your free credit reports for suspicious activity. You may also review the information contained in the attached *Steps You Can Take to Help Protect Personal Information*. There you will also find more information on the complimentary credit monitoring services we are making available to you. While Smith & Wollensky will cover the cost of these services, you will need to enroll yourself in the services we are offering, if you would like to do so.

For More Information. We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, please call our dedicated assistance line at (833) 541-1591 Monday through Friday from 6 am – 8 pm Pacific, or Saturday and Sunday from 8 am – 5 pm Pacific (excluding major U.S. holidays). You may also write to Smith & Wollensky at One Seafood Way, Boston, MA 02210.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Lee".

Melissa Lee
Director of Compliance, Payroll & Benefits

STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

Enroll in Credit Monitoring and Identity Restoration Services

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for [Extra4] months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for [Extra4] months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration.

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary [Extra4]-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by July 31, 2022** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at (833) 541-1591 by July 31, 2022. Be prepared to provide engagement number [Engagement Number] as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR [Extra4]-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 file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARETM:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance^{**}:** Provides coverage for certain costs and unauthorized electronic fund transfers.

Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

* 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.

Consumers have the right to place an initial or extended “fraud alert” on a 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 seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit 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 credit 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 cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

For District of Columbia residents, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, DC 20001; 202-727-3400; and oag@dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and www.oag.state.md.us.

For New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; www.riag.ri.gov; and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 2 Rhode Island residents impacted by this incident.

NH DEPT OF JUSTICE
APR 28 2022 PM 1:13