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CONSUMER PROTECTION

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December 13, 2019

VIA OVERNIGHT MAIL

Attorney General Joseph Foster
Office of the Attorney General
33 Capital Street
Concord, NH 03302

Re: Incident Notification

Dear Sir or Madam:

We are writing on behalf of our client, Sweaty Betty Limited, a United Kingdom registered company, to provide notice of a security incident.¹

Sweaty Betty understands the importance of protecting the personal information of its customers. Sweaty Betty was recently made aware of unusual activity on its website and launched an immediate investigation with help from its technical partners, including external cyber security experts. The investigation confirmed that a third party gained unauthorized access to part of Sweaty Betty's website and inserted malicious code designed to capture information entered during the checkout process. The malicious code was active intermittently for known periods between November 19, 2019 at 13:24 (Eastern Time) and November 27, 2019 at 9:52 (Eastern Time). The information entered during the checkout process that the malicious code could have potentially captured includes name, Sweaty Betty password, billing address, delivery address, email address, telephone number, payment card number, CVV number and expiry date. The investigation shows that the incident was limited to only those customers who entered new card details as part of the payment process and not those who made an order using an existing card stored on the Sweaty Betty website or those who used an alternative form of payment such as PayPal or Apple Pay.

¹ This notice is not, and does not constitute, a waiver of Sweaty Betty's objection that New Hampshire lacks personal jurisdiction over it regarding any claims related to this data security incident.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

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Today, Sweaty Betty is sending notification letters via First Class Mail to six New Hampshire residents who attempted to place an order during the relevant time period in accordance with NH Rev. Stat. §359-C:20. Enclosed is a sample copy of the letter. Sweaty Betty has offered customers involved a complimentary one-year membership in credit monitoring and identity theft protection services through Experian and advised its customers to review their payment card statement for any unauthorized charges and to report any such charges to the card issuer. Sweaty Betty has also advised that customers should reset passwords to their Sweaty Betty online account and advised them to change their passwords to any other sites using the same username and password. Sweaty Betty's customer care team is also available via telephone and email to answer questions regarding the incident.

To help prevent a similar incident from occurring in the future, Sweaty Betty has removed the malicious code and implemented additional security enhancements to its website. In addition, Sweaty Betty continues to support law enforcement's investigation.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,



William R. Daugherty
Partner

Enclosure

Sweaty Betty
Mail Handling Services
777 E Park Dr
Harrisburg, PA 17111



[REDACTED]
[REDACTED]
[REDACTED]

C-828

December 16, 2019

Dear [REDACTED],

I want to inform you personally that some of your personal data may have been impacted by a recent cyber security incident at Sweaty Betty.

What happened?

Sweaty Betty was recently made aware of unusual activity on our website and launched an immediate investigation with help from our technical partners, including external cyber security experts.

These investigations confirmed that a third party gained unauthorized access to part of our website and inserted malicious code designed to capture information entered during the checkout process. This affected customers attempting to place orders online or over the phone for limited intermittent periods of time from Tuesday 19 November at 13.24 (Eastern Time) to Wednesday 27 November 2019 at 09.52 (Eastern Time).

As soon as we became aware of this, we took immediate action to contain the issue and reported the incident to law enforcement and the payment card networks. We are also reporting the incident to the relevant regulators.

What does this mean for you?

Customers shopping online or over the phone from Tuesday 19 November at 13.24 (Eastern Time) to Wednesday 27 November 2019 at 09.52pm (Eastern Time) may have had their credit or debit card details accessed. These details may include name, Sweaty Betty password, billing address, delivery address, email address, telephone number, payment card number, CVV number and expiry date.

We wanted to make you aware of this incident because we believe that you attempted to place an order during this period and therefore your card information could be vulnerable to misuse.

Our investigation shows that the incident was limited to only those customers who entered new card details as part of the payment process and not those who made an order using an existing card stored on our website or those who used an alternative form of payment such as PayPal or Apple Pay.

What should you do?

1. Review your bank accounts and credit card statements. If you do notice any unusual or suspicious activity, contact your account provider immediately who will have a process for dealing with fraudulent transactions and reversing such charges, where appropriate.
2. Immediately reset the password for your Sweaty Betty account (if you have one). If you use similar passwords for any other accounts, please also consider resetting these passwords.

3. We also recommend that you monitor your personal information for signs of potential identity theft. To help with this, we are offering to pay for you to have 12 months' membership of Experian's® IdentityWorksSM product. This provides you with identity detection and resolution of identity theft. To activate your free membership:
 - a. Ensure that you sign up for the service by March 31, 2020 as your code will expire after this date; and
 - b. Visit the Experian IdentityWorks website to get started:
<https://www.experianidworks.com/3bcredit>
 - c. Enter your activation code: [REDACTED]

If you have questions about this service, please contact Experian's Customer Support Centre on 1-877-890-9332 by March 31, 2020, citing engagement number [REDACTED].

I am deeply sorry for any inconvenience or concern this incident may have caused you. The security and privacy of our customers remains our highest priority. We operate on a market-leading e-commerce platform supported by the latest technologies and digital security expertise. Importantly, this issue has been resolved, and it is safe to shop with Sweaty Betty – whether online, by phone, or in stores.

The Sweaty Betty community is built on trust and customer experience, and we are committed to supporting you through this. If we can be of any further help, please don't hesitate to contact us at customercare@sweatybetty.com or call 1-855-773-3400 Monday through Friday between 4 a.m. and 5 p.m. Eastern Time.

Yours sincerely,

Julia



Julia Straus

CEO, Sweaty Betty

ADDITIONAL STEPS YOU CAN TAKE

Regardless of whether you choose to take advantage of this complimentary credit monitoring, it is always advisable to be vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. 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 free annual 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:

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

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

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, New York, North Carolina, or Rhode Island, you may contact and obtain information from your state attorney general at:

- *Connecticut Attorney General's Office*, 55 Elm Street, Hartford, CT 06106, 1-860-808-5318, www.ct.gov/ag
- *Maryland Attorney General's Office*, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023 / 1-410-576-6300, www.oag.state.md.us
- *New York State Office of the Attorney General*, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov/>
- *North Carolina Attorney General's Office*, 9001 Mail Service Centre, Raleigh, NC 27699, 1-919-716-6400 / 1-877-566-7226, www.ncdoj.gov
- *Rhode Island Attorney General's Office*, 150 South Main Street, Providence, RI 02903, 1-401-274-4400, www.riag.ri.gov

If you are a resident of Rhode Island, note that pursuant to Rhode Island law, you have the right to file and obtain a copy of a police report. You also have the right to request a security freeze. This incident involves 3 Rhode Island residents.

If you are a resident of West Virginia, you have the right to ask that nationwide consumer reporting agencies place "fraud alerts" in your file to let potential creditors and others know that you may be a victim of identity theft, as described below. You also have a right to place a security freeze on your credit report, as described below.

Fraud Alerts: There are two types of fraud alerts you can place on your credit report to put your creditors on notice that you may be a victim of fraud—an initial alert and an extended alert. You may ask that an initial fraud alert be placed on your credit report if you suspect you have been, or are about to be, a victim of identity theft.

An initial fraud alert stays on your credit report for one year. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years. You can place a fraud alert on your credit report by contacting any of the three national credit reporting agencies.

Credit Freezes: You have the right to put a credit freeze, also known as a security freeze, on your credit file, free of charge, so that no new credit can be opened in your name without the use of a personal identification number ("PIN") that is issued to you when you initiate a freeze. A security freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a security 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 security freeze may delay your ability to obtain credit.

There is no fee to place or lift a security freeze. Unlike a fraud alert, you must separately place a security freeze on your credit file at each credit reporting company. For information and instructions to place a security freeze, contact each of the credit reporting agencies 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

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 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 means 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 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 hour 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 means 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 or password provided to you when you placed the security freeze.

The credit bureaus have one hour 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.

A Summary of Your Rights Under the Fair Credit Reporting Act: The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- You must be told if information in your file has been used against you.
- You have the right to know what is in your file.
- 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.
- 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 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.
- You may seek damages from violators.
- Identity theft victims and active duty military personnel have additional rights.

Mailing Address: Sweaty Betty’s mailing address is Fulham Green, 69 – 79 Fulham High Street, London, SW6 3JW

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.

If you believe there was fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent on 1-877-890-9332. 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 (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 this Identity Restoration support is available to you for one year 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. You will also find self-help tips and information about identity protection at this site.

* 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.