

# KING & SPALDING

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May 15, 2017

**VIA EMAIL:** [attorneygeneral@doj.nh.gov](mailto:attorneygeneral@doj.nh.gov)

Attorney General Joseph Foster  
Office of the Attorney General  
33 Capitol Street  
Concord, New Hampshire 03301

Re: Data Security Incident

Dear Attorney General Foster,

I represent TALX Corporation ("TALX"), a wholly owned subsidiary of Equifax Inc., and write regarding a data security incident that may have exposed personal information of New Hampshire residents, who are employees or former employees of Erickson Living.

TALX provides payroll-related services for Erickson Living and other companies, which in the case of Erickson Living, current and former employees are able to access through TALX's online portal. On March 9, 2016, TALX learned of potential unauthorized access to 4 Erickson Living employees' accounts. Upon learning of the potential unauthorized access, TALX and Erickson Living worked together promptly to understand what happened. On April 7, 2017, TALX, working with Erickson Living, mailed notifications to one (1) New Hampshire resident that might have been affected. TALX also engaged a leading cybersecurity firm to assist with its analysis.

As part of its investigation, TALX, again working with Erickson Living, has continued to analyze accesses to Erickson Living employee online portal accounts. On April 4, 2016, TALX identified a broad universe of current and former employees whose information might have been accessed without authorization between April 17, 2016 and March 29, 2017. Based on the analysis to date, TALX believes that the unauthorized third-party(ies) gained access to the accounts primarily by successfully answering personal questions about the affected employees in order to reset the employees' PINs (i.e., the password to access the online portal). There is no indication that either TALX or Erickson Living was the source of any of the information used to reset the PINs and access the accounts. Because the accesses generally appear legitimate (e.g., successful use of login credentials), TALX cannot confirm forensically exactly which accounts were, in fact, accessed without authorization, although TALX believes that only a small percentage of these potentially affected accounts were actually affected. While we are continuing

Attorney General Joseph Foster  
May 15, 2017  
Page 2

to investigate the incident, out of an abundance of caution, TALX and Erickson Living have worked over the past several weeks to collect addresses and notify this broad universe of current and former employees identified as potentially affected during the investigation.

Access to an employee's online account would have permitted the unauthorized third-party(ies) access to the employees' W-2 forms.

TALX has also notified federal law enforcement, the Internal Revenue Service (IRS), and state tax authorities of the incident. Additionally, to help prevent recurrence of this type of incident, TALX has implemented additional security measures, including enhanced fraud monitoring and removal of personal questions as an option to reset PINs from the online portal.

On May 10, 2017, TALX, working with Erickson Living, mailed notifications to the remaining employees who may have been affected by the incident and fit within the broad universe. This group included an additional one (1) New Hampshire resident, bringing the total of New Hampshire residents notified to two (2). An unaddressed copy of the notification is attached to this letter. Additionally, the affected individuals are being offered two (2) years of ID Patrol identity protection at no cost to the individuals. This service will provide the individuals with credit monitoring, a \$1 million identity theft insurance policy, and the dedicated assistance of investigators to help recover financial losses, restore credit, and return their identity to its proper condition in the event a problem arises.

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

Sincerely,



Nicholas A. Oldham  
*Counsel for TALX Corporation*



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Portland, OR 97228-6336

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<<Address1>>  
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<<Date>>

**RE: Data Security Incident**

Dear <<Name>>:

We are writing to tell you about a data security incident that may have resulted in the unauthorized access to an electronic copy of your W-2. We take the protection and proper use of your information very seriously. Accordingly, out of an abundance of caution, we are notifying a broad group of individuals who may have been affected in order to explain the circumstances of the incident.

**What Happened**

Erickson Living, your current or former employer (or the management company of your current or former community employer) has contracted with Talx Corporation ("TALX"), a wholly owned subsidiary of Equifax Inc., to provide payroll-related services that you are able to access through the intranet as well as TALX's website [www.mytaxform.com](http://www.mytaxform.com) ("online portal"). We recently discovered that a user reset PINs to access the accounts of a small number of employees. It appears that the PIN resets and account access were unauthorized. Upon learning of the unauthorized access, TALX promptly took steps to understand what happened, and determined that the unauthorized user was able to reset the PINs and successfully answer personal questions about the affected individuals. Neither TALX nor Erickson Living was the source of any of the information used to reset the PINs and access the accounts. While TALX is continuing to investigate the incident, we are notifying you out of an abundance of caution because your information may have been affected.

**What Information Was Involved**

An unauthorized individual may have accessed an electronic copy of your W-2.

**What We Are Doing**

TALX is implementing additional security measures to help prevent recurrence of this type of incident. The incident has also been reported to federal law enforcement.

In addition, TALX is offering you two (2) years of ID Patrol identity protection service at no cost to you. This service is explained further in the materials enclosed with this letter. To take advantage of this service, please follow the instructions in those materials.

## **What You Can Do**

Because your W-2 tax form may have been accessed by an unauthorized individual, it is possible that a fraudulent tax return could be filed in your name. Therefore, we strongly recommend that you contact the Internal Revenue Service and your state tax agency as soon as possible to report this incident.

Internal Revenue Service (IRS): You may contact the IRS Identity Protection Specialized Unit at 1-800-908-4490. The IRS may request that you file IRS Form 14039 (which is available at <https://www.irs.gov/pub/irs-pdf/f14039.pdf>). For additional information from the IRS about identity theft, you may visit <https://www.irs.gov/uac/Taxpayer-Guide-to-Identity-Theft>.

State Tax Agencies: Information on how to contact your state tax agency may be found by going to <http://www.taxadmin.org/state-tax-agencies>.

Finally, we urge you to enroll in the ID Patrol identity protection service being provided by TALX. Even if you choose not to enroll in the ID Patrol identity protection service, there are other steps you can take to help protect yourself. Please see the information in the "Identity Theft Prevention Tips" attachment about how you can obtain a free copy of your credit report and place a fraud alert and/or credit freeze on your credit report.

## **For More Information**

We deeply regret that this incident occurred and are committed to ensuring that your personal information remains protected. If you have any questions, please call 800-996-7566.

Sincerely,

TALX Corporation

Attachments: Identity Theft Prevention Tips  
ID Patrol Offer and Information

### Identity Theft Prevention Tips

We recommend that you remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring your credit reports. You may obtain a free copy of your credit report from each company listed below once every 12 months by requesting your report online at [www.annualcreditreport.com](http://www.annualcreditreport.com), calling toll-free 1-877-322-8228, or mailing an Annual Credit Report Request Form (available at [www.annualcreditreport.com](http://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 any of the credit reporting agencies below:

Equifax  
PO Box 740241  
Atlanta, GA 30374  
[www.equifax.com](http://www.equifax.com)  
888-766-0008

Experian  
PO Box 9554  
Allen, TX 75013  
[www.experian.com](http://www.experian.com)  
888-397-3742

TransUnion  
PO Box 2000  
Chester, PA 19016  
[www.transunion.com](http://www.transunion.com)  
800-680-7289

If you believe you are the victim of identity theft, you should contact the proper law enforcement authorities, including local law enforcement, and you should consider contacting your state attorney general and/or the Federal Trade Commission ("FTC"). You may also contact the FTC to obtain additional information about avoiding identity theft.

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

**State Attorneys General:** Information on how to contact your state attorney general may be found at [www.naag.org/naag/attorneys-general/whos-my-ag.php](http://www.naag.org/naag/attorneys-general/whos-my-ag.php).

You may obtain information from the FTC and the credit reporting agencies listed above about placing a fraud alert and/or credit freeze on your credit report.



### ID Patrol Offer and Information

TALX is offering you the Equifax® ID Patrol identity theft protection product for two (2) years at no cost to you. Information about ID Patrol, your personal Activation Code, and enrollment instructions follow:

ID Patrol will provide you with an “early warning system” to changes to your credit file and help you to understand the content of your credit file at the three major credit-reporting agencies.

ID Patrol provides you with the following key features and benefits:

- Comprehensive credit file monitoring and automated alerts of key changes to your Equifax, Experian, and TransUnion credit reports
- Wireless alerts and customizable alerts available
- One 3-in-1 Credit Report and access to your Equifax Credit Report™
- Ability to receive alerts if your Social Security Number or credit card numbers are found on Internet trading sites (available online only)
- Ability to lock and unlock your Equifax Credit Report
- Up to \$1 million in identity theft insurance with \$0 deductible

Please visit [www.myservices.equifax.com/patrol](http://www.myservices.equifax.com/patrol) for more information and to enroll for ID Patrol.

Your Activation Code is <<Activation Code>>. You must use this Activation Code to activate the product by 7-31-2017. Please note that this Activation Code is non-transferable.

Coverage under ID Patrol will expire two (2) years from the date you activate your Code by enrolling for ID Patrol online.

#### ENROLLMENT TIPS:

1. Use the link above to access your custom ID Patrol Enrollment page (**your Activation Code will NOT work if you use a different link!**)
2. Enter the Activation Code provided above and click the “Submit” button
3. The platform will walk you through the enrollment. Please enter the information requested and click the Continue button to step through the account setup screens
4. The system will then ask you up to four security questions to verify your identity. Please answer the questions and click the “Submit Order” button
5. You will see an order confirmation page and you can click View My Product to access the product features
6. You will receive a confirmation email

Once enrolled, your ID Patrol comes with 24/7 live agent Customer Service (877-474-8273) to assist you in understanding the content of your Equifax credit information and to provide personalized identity theft victim assistance and assistance in initiating an investigation of inaccurate information.