

BakerHostetler

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CONSUMER PROTECTION

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March 17, 2020

VIA OVERNIGHT MAIL

Gordon MacDonald
Office of the Attorney General
33 Capitol St.
Concord, NH 03301

Re: Incident Notification

Dear Attorney General MacDonald:

We are writing on behalf of our client, Tandem Diabetes Care, Inc. (“Tandem”), to notify you of a security incident involving New Hampshire residents.¹ Tandem is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

On January 17, 2020, Tandem learned that an unauthorized user gained access to an employee’s email account through a “phishing” incident. Tandem immediately secured the account and began an investigation utilizing the expertise of a leading cyber security firm. The investigation determined that a limited number of Tandem employee email accounts may have been accessed by the unauthorized user between January 17, 2020 and January 20, 2020. The investigation determined that some customer information was contained within these email accounts, including the name and Social Security number of eight New Hampshire residents.

On March 17, 2020, pursuant to HIPAA and N.H. Rev. Stat. § 359-C:20, Tandem mailed letters to the New Hampshire residents in substantially the same form as the enclosed letter. Tandem has also established a dedicated call center where affected individuals may obtain more information regarding the incident, and all New Hampshire residents whose Social Security number was involved will receive one year of credit monitoring and identity protection services.

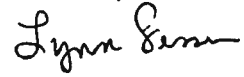
To help prevent something like this from happening again, Tandem is continuing to invest heavily in cyber security and data protection safeguards. Tandem is also implementing additional email security controls, strengthening our user authorization and authentication processes, and limiting the types of data permitted to be transferred via email.

¹ This report does not waive Tandem’s objection that New Hampshire lacks personal jurisdiction over this matter.

Attorney General MacDonald
March 17, 2020
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Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Sessions".

Lynn Sessions
Partner

Enclosure



TANDEM[®]
DIABETES CARE

<<Date>> (Format: Month Day, Year)

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country >>

Dear <<first_name>> <<middle_name>> <<last_name>> <<suffix>>,

Tandem Diabetes Care is committed to protecting the confidentiality of your personal information. Regrettably, a recent email security incident may have involved some of your personal information. This notice is to explain what happened, what measures we've taken, and the steps you can take in response.

What happened?

On January 17, 2020, we learned that an unauthorized person gained access to a Tandem employee's email account through a security incident commonly known as "phishing." Once we learned about the incident, we immediately secured the account and a cyber security firm was engaged to assist in our investigation. Our investigation determined that a limited number of Tandem employee email accounts may have been accessed by an unauthorized user between January 17, 2020 and January 20, 2020.

What information was involved?

Through the investigation, we learned that your name was contained within one or more of the Tandem email accounts affected by the incident. The affected email accounts may have also contained your contact information, your Social Security number, information related to your use of Tandem's products or services, and/or clinical data regarding your diabetes therapy.

What actions should you take?

We have no indication that your information was viewed or misused by the unauthorized user as a result of this incident. However, in an abundance of caution, we are offering you a complimentary one-year membership of Experian's[®] IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with identity protection services focused on identification and resolution of identity theft. IdentityWorks Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. For more information on identity theft prevention and IdentityWorks Credit 3B, including instructions on how to activate your complimentary one-year membership, as well as information on additional steps you can take, please see the information provided in the pages that follow this letter.

What are we doing to prevent this from occurring again?

We are continuing to invest heavily in cyber security and data protection safeguards. We are also implementing additional email security controls, strengthening our user authorization and authentication processes, and limiting the types of data permitted to be transferred via email.

Contact us for more information

We apologize for any inconvenience or concern this incident may cause you. If you have any questions about this incident, please call 1-844-971-0675 Monday through Friday, between 6:00 am and 3:30 pm Pacific Time.

Sincerely,

A handwritten signature in black ink that reads "John Sheridan".

John Sheridan
President & CEO

To help protect your identity, we are offering a **complimentary** one-year membership of Experian IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

Activate IdentityWorks Credit 3B Now in Three Easy Steps

1. ENROLL by: <<b2b_text_1(Enrollment Deadline)>> (Your code will not work after this date.)
2. VISIT the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
3. PROVIDE the **Activation Code**: <<Member ID>>

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 877-288-8057. Be prepared to provide engagement number <<b2b_text_2(Engagement Number)>> as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-MONTH EXPERIAN IDENTITYWORKS CREDIT 3B MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks Credit 3B.

You can contact Experian **immediately without needing to enroll in the product** regarding any fraud issues. Identity Restoration specialists are available to help you address credit and non-credit related fraud.

Once you enroll in Experian IdentityWorks, you will have access to the following additional features:

- **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.
- **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

**Activate your membership today at <https://www.experianidworks.com/3bcredit>
or call 877-288-8057 to register with the activation code above.**

What you can do to protect your information: There are additional actions you can consider taking to reduce the chances of identity theft or fraud on your account(s). Please refer to www.ExperianIDWorks.com/restoration for this information. If you have any questions about IdentityWorks, need help understanding something on your credit report or suspect that an item on your credit report may be fraudulent, please contact Experian's customer care team at 877-288-8057.

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

** Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

ADDITIONAL STEPS YOU CAN TAKE

We remind you 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 annual free 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

Fraud Alerts and Credit or Security Freezes:

Fraud Alerts: There are two types of general 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.

To place a fraud alert on your credit reports, contact one of the nationwide credit bureaus. A fraud alert is free. The credit bureau you contact must tell the other two, and all three will place an alert on their versions of your report.

For those in the military who want to protect their credit while deployed, an Active Duty Military Fraud Alert lasts for one year and can be renewed for the length of your deployment. The credit bureaus will also take you off their marketing lists for pre-screened credit card offers for two years, unless you ask them not to.

Credit or Security Freezes: You have the right to put a credit freeze, also known as a security freeze, on your credit file, free of charge, which makes it more difficult for identity thieves to open new accounts in your name. That's because most creditors need to see your credit report before they approve a new account. If they can't see your report, they may not extend the credit.

How do I place a freeze on my credit reports? 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

You'll need to supply your name, address, date of birth, Social Security number and other personal information.

After receiving your freeze request, each credit bureau will provide you with a unique PIN (personal identification number) or password. Keep the PIN or password in a safe place. You will need it if you choose to lift the freeze.

How do I lift a freeze? A freeze remains in place until you ask the credit bureau to temporarily lift it or remove it altogether. If the request is made online or by phone, a credit bureau must lift a freeze within one hour. If the request is made by mail, then the bureau must lift the freeze no later than three business days after getting your request.

If you opt for a temporary lift because you are applying for credit or a job, and you can find out which credit bureau the business will contact for your file, you can save some time by lifting the freeze only at that particular credit bureau. Otherwise, you need to make the request with all three credit bureaus.

Additional information for residents of the following states:

Maryland: You may contact and obtain information from your state attorney general at: *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. Tandem Diabetes Care's mailing address is 11075 Roselle Street, San Diego, California 92121.

New York: You may contact and obtain information from these state agencies: *New York Department of State Division of Consumer Protection*, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, 518-474-8583 / 1-800-697-1220, <http://www.dos.ny.gov/consumerprotection/>; and *New York State Office of the Attorney General*, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov>

North Carolina: You may contact and obtain information from your state attorney general at: *North Carolina Attorney General's Office*, 9001 Mail Service Centre, Raleigh, NC 27699, 1-919-716-6000 / 1-877-566-7226, www.ncdoj.gov

Rhode Island: This incident involves 438 individuals in Rhode Island. Under 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, as described above. You may contact and obtain information from your state attorney general at: *Rhode Island Attorney General's Office*, 150 South Main Street, Providence, RI 02903, 1-401-274-4400, www.riag.ri.gov

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 above. You also have a right to place a security freeze on your credit report, as described above.

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). Your major rights under the FCRA are summarized below. 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.