



LEWIS BRISBOIS BISGAARD & SMITH LLP

Elizabeth R. Dill
550 E. Swedesford Road, Suite 270
Wayne, Pennsylvania 19087
Elizabeth.Dill@lewisbrisbois.com
Direct: 215.977.4080

November 27, 2020

VIA E-MAIL

Gordon MacDonald, Attorney General
Consumer Protection and Antitrust Bureau
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
Email: DOJ-CPB@doj.nh.gov

Re: Notice of Data Security Incident

Dear Attorney General MacDonald:

We represent Tufts Health Plan (“THP”), a health plan headquartered in Watertown, Massachusetts. This letter is being sent because the Personal Information of forty-two (42) New Hampshire residents may have been affected by a recent data security incident who, pursuant to N.H. Rev. Stat. §§ 359-C:19-21, are being notified in connection therewith.

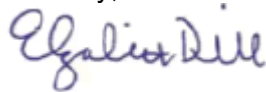
This incident involved EyeMed Vision Care LLC (“EyeMed”) – a business associate of THP that manages vision benefits on behalf of many covered entities. No THP information systems were involved in this incident. On July 1, 2020, EyeMed discovered that an unauthorized individual gained access to one of its email mailboxes used by clients for enrollment purposes and sent phishing emails to email addresses contained in the mailbox’s address book. On the same day, EyeMed took immediate action to block the unauthorized individual’s access to the mailbox and secured the mailbox. EyeMed immediately launched an investigation into the incident and engaged a cybersecurity firm to assist in its efforts. It was determined that the unauthorized individual first gained access to the mailbox on June 24, 2020, and that access terminated on July 1, 2020. The mailbox contained information about numerous covered entities, including individuals who were formerly or currently enrolled in THP’s vision plan managed by EyeMed. On September 28, 2020, EyeMed reported this incident to THP.

Information that may have been accessed includes the following: full name, address, date of birth, phone number, email address, vision insurance account/identification number, and, in a few cases, medical diagnoses and conditions, and treatment information were implicated. For forty-two (42) New Hampshire residents reported in this notification, Social Security numbers were implicated. Because EyeMed could not fully determine whether, and to what extent, the unauthorized individual viewed or copied personal information, it is possible that personal information was viewed or acquired by the unauthorized individual. As a result, EyeMed is offering all impacted individuals two years of complimentary credit monitoring and identity theft protection.

On October 19, 2020, EyeMed provided THP with a data file identifying all current and former THP members and the information that might have been compromised, which included the above-referenced New Hampshire residents whose Personal Information was potentially compromised. EyeMed mailed letters to all potentially affected THP members between November 16 and 23, 2020, in accordance with HIPAA requirements and, where applicable, the New Hampshire Data Breach Notification Law. Letters to the forty-two (42) New Hampshire residents whose Social Security numbers were impacted specified the elements of their Personal Information included.

On September 28, 2020, EyeMed provided preliminary notification of the incident to the U.S. Department of Health and Human Services' Office for Civil Rights ("OCR"), pursuant to the HIPAA Breach Notification Rule. EyeMed also provided notification of the incident to your office on September 28, 2020. On November 25, 2020, THP separately provided notification of this incident to OCR. Media notice has been provided to the New Hampshire Union Leader, and THP has also posted substitute notice on its website. EyeMed advised that it took a number of steps to enhance the protections that were already in place before the incident. EyeMed made changes to how authorized individuals access its network and required immediate complex password changes to all employee accounts. EyeMed is also reinforcing and providing additional mandatory security awareness training. THP is also taking steps to independently verify that THP member information is protected with enhanced administrative and technical measures and to ensure that EyeMed continues to receive only minimum necessary information related to members. Please contact me should you have any questions.

Sincerely,



Elizabeth R. Dill of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosure: Consumer Notification Letter



November 16, 2020

Suzy Sample
123 Main St
Unit 101
Anytown, MA 12345

[Security Incident / Re: Notice of Data Breach]

Dear **Suzy Sample**,

EyeMed manages vision benefits on behalf of **Tufts Health Plan**. EyeMed takes the privacy and confidentiality of your information very seriously. We write to inform you of a data security incident that may have involved some of your personal information. This notice explains the incident, measures we have taken, and steps you can take in response.

What happened?

On July 1, 2020, EyeMed discovered that an unauthorized individual gained access to an EyeMed email mailbox and sent phishing emails to email addresses contained in the mailbox's address book. On the same day, EyeMed took immediate action to block the unauthorized individual's access to the mailbox and secured the mailbox. EyeMed immediately launched an investigation into the incident and engaged a cybersecurity firm to assist in its efforts. It was determined that the unauthorized individual first gained access to the mailbox on June 24, 2020, and that access terminated on July 1, 2020. EyeMed informed Tufts Health Plan on September 28, 2020 that their member data was potentially compromised.

What information was involved?

The mailbox contained information about individuals who formerly or currently receive vision benefits through EyeMed. Although EyeMed could not fully determine whether, and to what extent, if any, the unauthorized individual viewed or copied personal information, it is possible that personal information was viewed or acquired by the unauthorized individual.

Following a detailed analysis and review of all potentially compromised emails and files, EyeMed identified the names of all individuals who were impacted, as well as the type of information included in those files. Personal information that may have been accessed could include the following types of information: **Name, Date of Birth**

What we are doing:

EyeMed is committed to safeguarding your personal information and has taken immediate steps to enhance the protections that were already in place before this incident. In addition to the investigation, EyeMed made changes to how authorized individuals access the EyeMed network and required immediate complex password changes to all our employee accounts. EyeMed is also reinforcing and providing additional mandatory security awareness training.

To help relieve concerns and restore confidence following this incident, we have secured the services of Kroll to provide identity monitoring at no cost to you for two years. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services include Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

Visit <https://enroll.idheadquarters.com> to activate and take advantage of your identity monitoring services.

You have until **February 14, 2021** to activate your identity monitoring services

Membership Number: **123456789**

Additional information describing your identity monitoring services is included with this letter.

Commented [RH1]: This section is coded to display only the impacted data types that pertain to the specific recipient, such as: Full Name, Address, Full or Partial Social Security Number, Financial Information, Passport Number, driver's license or other Government ID, Birth Certificate or Marriage License, Medical Treatment or Diagnosis Information. This is an example for someone whose Name and Date of Birth were exposed.

Commented [RH2]: This number will be unique for each member.

*Tufts Health Plan may include commercial, Medicaid and Medicare Advantage plans underwritten or administered by Tufts Health Plan affiliates, including Tufts Associated Health Maintenance Organization, Inc., Tufts Insurance Company, Tufts Benefit Administrators, Inc., Total Health Plan, Inc., Tufts Health Freedom Insurance Company, Tufts Health Public Plans, Inc., and CarePartners of Connecticut, Inc.

What you can do:

EyeMed is not aware of any misuse of your information. However, we want to let you know of steps you may want to take to guard against potential identity theft or fraud. We encourage you to remain vigilant by regularly reviewing your financial statements, credit reports, and Explanations of Benefits (EOBs) from your health insurers for any unauthorized activity. If you identify services that you did not receive or accounts, charges, or withdrawals that you did not authorize, you should immediately contact and report to the involved company and to credit reporting agencies.

Please also review the enclosed "Additional Resources" section included with this letter. This section describes additional steps you can take to help protect yourself, including recommendations by the Federal Trade Commission regarding identity theft protection and details on how to place a fraud alert or a security freeze on your credit file.

More Information:

If you have questions, please call 844-480-0273 Monday through Friday from 8:00 a.m. to 5:30 p.m. Central Time or visit <https://eyemed.com/en-us/notice>. Please have your membership number ready.

Sincerely,



Jason D. Groppe
Chief Privacy Officer (N.A.)

ADDITIONAL RESOURCES

Contact information for the three nationwide credit reporting agencies:

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

Experian, PO Box 2104, Allen, TX 75013, www.experian.com, 1-888-397-3742

TransUnion, PO Box 2000, Chester, PA 119016, www.transunion.com, 1-800-888-4213

Free Credit Report. It is recommended that you remain vigilant by reviewing account statements and monitoring your credit report for unauthorized activity, especially activity that may indicate fraud and identity theft. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting agencies.

To order your annual free credit report please visit www.annualcreditreport.com or call toll free at **1-877-322-8228**.

You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available from the U.S. Federal Trade Commission's ("FTC") website at www.consumer.ftc.gov) to:

Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

For Colorado, Georgia, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont residents: You may obtain one or more (depending on the state) additional copies of your credit report, free of charge. You must contact each of the credit reporting agencies directly to obtain such additional report(s).

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 at least one year. You may have an extended alert placed on your credit report if you have already been a victim of identity theft and you have 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.

Security Freeze. You have the ability to place a security freeze, also known as a credit freeze, on your credit report free of charge.

A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you may use an online process, an automated telephone line, or submit a written request to any of the three credit reporting agencies listed above. The following information must be included when requesting a security freeze (note that, if you are requesting a security freeze for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past 5 years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, and display your name, current mailing address, and the date of issue.

Federal Trade Commission and State Attorneys General Offices. 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 home state. You may also contact these agencies for information on how to prevent or minimize the risks of identity theft.

You may contact the **Federal Trade Commission**, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580, www.ftc.gov/bcp/edu/microsites/idtheft/, 1-877-IDTHEFT (438-4338).

For Maryland residents: You may contact the Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, www.oag.state.md.us, 1-888-743-0023.

For North Carolina residents: You may contact the North Carolina Office of the Attorney General, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, www.ncdoj.gov, 1-877-566-7226.

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

For Connecticut residents: You may contact the Connecticut Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, 1-860-808-5318, www.ct.gov/ag.

For Massachusetts residents: You may contact the Office of the Massachusetts Attorney General, 1 Ashburton Place, Boston, MA 02108, 1-617-727-8400, www.mass.gov/ago/contact-us.html

Reporting of identity theft and obtaining a police report.

For Iowa residents: You are advised to report any suspected identity theft to law enforcement or to the Iowa Attorney General.

For Massachusetts residents: You have the right to obtain a police report if you are a victim of identity theft.

For Oregon residents: You are advised to report any suspected identity theft to law enforcement, the Federal Trade Commission, and the Oregon Attorney General.



TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES

You have been provided with access to the following services from Kroll:

Single Bureau Credit Monitoring

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you'll have the option to call a Kroll fraud specialist, who will be able to help you determine if it is an indicator of identity theft.

Fraud Consultation

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

Identity Theft Restoration

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator will be able to dig deep to uncover the scope of the identity theft, and then work to resolve it.

Kroll's activation website is only compatible with the current version or one version earlier of Chrome, Firefox, Safari and Edge.

To receive credit services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit file.