



**MULLEN  
COUGHLIN** LLC  
ATTORNEYS AT LAW

RECEIVED

JUN 01 2021

CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

May 26, 2021

**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 TwoBirch located at 619 E Palisade Ave, Englewood Cliffs, NJ 07632, and write to notify your office of an incident that may affect the security of some personal information relating to nine (9) New Hampshire residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, TwoBirch 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 January 8, 2021, TwoBirch discovered suspicious activity on its e-commerce website, [www.twobirch.com](http://www.twobirch.com). TwoBirch began working with third-party computer forensic specialists to determine what happened and what information may have been affected. TwoBirch also took steps to implement additional procedures to further protect the security of customer debit and credit card information on its website.

On February 15, 2021, the investigation determined that TwoBirch was the victim a cyber-attack that may have resulted in a compromise of some of our customers' payment cards used to make purchases on our e-commerce website between February 18, 2020 and January 18, 2021. Once the investigation confirmed the dates of compromise, TwoBirch took steps to identify and notify potentially impacted customers who made purchases during this time period. Once the investigation confirmed the dates of compromise, TwoBirch took steps to identify potentially impacted customers who made purchases during this time period. This process completed on April

30, 2021 and TwoBirch moved quickly to notify impacted individuals. The information impacted includes the cardholder's name, address, credit card number, expiration date, and CVV.

### **Notice to New Hampshire Residents**

On May 26, 2021, TwoBirch began providing written notice of this incident to potentially affected individuals, which includes nine (9) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached hereto as *Exhibit A*.

### **Other Steps Taken and To Be Taken**

Upon discovering the event, TwoBirch moved quickly to investigate and respond to the incident, assess the security of TwoBirch systems, and notify potentially affected individuals. TwoBirch also reviewed their existing policies and procedures and implemented additional safeguards to further secure the information in its systems.

Additionally, TwoBirch 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. TwoBirch is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, 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) 930-4784.

Very truly yours,



Jeffrey J. Boogay of  
MULLEN COUGHLIN LLC

# **EXHIBIT A**



Return Mail Processing Center  
P.O. Box 6336  
Portland, OR 97228-6336

<<MailID>>  
<<Name 1>>  
<<Name 2>>  
<<Address 1>>  
<<Address 2>>  
<<Address 3>>  
<<Address 4>>  
<<Address 5>>  
<<City>><<State>><<Zip>>  
<<Country>>

<<Date>>

<<Re: Notice of Data Breach>>

Dear <<Name 1>>:

TwoBirch is writing to notify you of an incident that may affect the security of your payment card information. TwoBirch takes this incident very seriously and is providing you with details about the incident, our response, and steps you can take to better protect your payment card information, should you feel it appropriate to do so.

**What Happened?** On January 8, 2021, TwoBirch discovered suspicious activity on its e-commerce website, [www.twobirch.com](http://www.twobirch.com). TwoBirch began working with third-party computer forensic specialists to determine what happened and what information may have been affected. TwoBirch also took steps to implement additional procedures to further protect the security of customer debit and credit card information on our website.

On February 15, 2021, the investigation determined that TwoBirch was the victim a cyber-attack that may have resulted in a compromise of some of our customers' payment cards used to make purchases on our e-commerce website between February 18, 2020 and January 18, 2021. Once the investigation confirmed the dates of compromise, TwoBirch took steps to identify and notify potentially impacted customers who made purchases during this time period. This process completed on April 30, 2021 and TwoBirch moved quickly to notify impacted individuals.

**What Information Was Involved?** Through the third-party forensic investigation, we confirmed that malware may have stolen credit or debit card data from some credit and debit cards used on our website, [www.twobirch.com](http://www.twobirch.com), between February 18, 2020 and January 18, 2021. The information at risk as a result of the event includes the cardholder's name, address, credit card number, expiration date, and CVV.

**What TwoBirch is Doing.** TwoBirch takes the security of your personal information seriously. We have been working with a third-party computer forensic investigation firm and took steps to ensure that payment card transactions were secure. We are also working to improve security protocols already in place to continue to protect against potential unauthorized activity. TwoBirch also notified the major payment card brands and its card processor of the incident and the steps taken to return to processing payment card transactions securely. TwoBirch also notified state regulators, as required.

***What You Can Do.*** We encourage you to remain vigilant for instances of fraudulent charges or misuse by monitoring your accounts and reviewing the enclosed *Steps You Can Take to Help Protect Personal Information* for additional guidance on how to protect against payment card fraud from any source.

***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 that are not addressed in this letter, please call our dedicated assistance line at 855-535-1827. Monday – Friday, 6:00 a.m. to 6:00 p.m. Pacific Time, (excluding U.S. national holidays).

We sincerely regret any inconvenience this incident may cause you and we remain committed to safeguarding your information within our care.

Sincerely,

TwoBirch

## *Steps You Can Take to Help Protect Personal Information*

### **Monitor Your Accounts**

We encourage you to remain vigilant against incidents of payment card fraud or misuse, to review your account statements, and to monitor your credit reports for suspicious activity. If you see any unauthorized or suspicious activity, promptly contact your bank, credit union, or credit card company.

Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

### **Place a Security Freeze**

You have the 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. The security 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 security 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 security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

[www.experian.com/freeze/center.html](http://www.experian.com/freeze/center.html)

#### **TransUnion**

P.O. Box 160  
Woodlyn, PA 19094  
1-888-909-8872

[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

#### **Equifax**

P.O. Box 105788  
Atlanta, GA 30348-5788  
1-800-685-1111

[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

In order 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 (5) 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 either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

### **Place a Fraud Alert**

As an alternative to a security freeze, you have the right to place an initial or extended "fraud alert" on your 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 agencies listed below:

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

[www.experian.com/fraud/center.html](http://www.experian.com/fraud/center.html)

#### **TransUnion**

P.O. Box 2000  
Chester, PA 19016  
1-800-680-7289

[www.transunion.com/fraud-alerts](http://www.transunion.com/fraud-alerts)

#### **Equifax**

P.O. Box 105069  
Atlanta, GA 30348  
1-888-766-0008

[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

### **Additional Information**

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself by contacting the consumer reporting agencies, the Federal Trade Commission, or the state Attorney General.

The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); or 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.

**Maryland Residents:** Office of the Attorney General of Maryland, Consumer Protection Division 200 St. Paul Place Baltimore, MD 21202, [www.oag.state.md.us/Consumer](http://www.oag.state.md.us/Consumer). Telephone: 1-888-743-0023 or 1-410-528-8662. **New Mexico Residents:** You have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the 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 credit reports to be provided to employers; you may limit "prescreened" offers of credit and insurance you get based on information in your credit report; and you may seek damages from a violator. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. You can review your rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf), or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580. **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/>. **North Carolina Residents:** Office of the Attorney General of North Carolina, Consumer Protection Division, 9001 Mail Service Center Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), Telephone: 1-919-716-6400, 877-566-7226 (toll free within NC). **Oregon Residents:** Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, [www.doj.state.or.us/](http://www.doj.state.or.us/), Telephone: 877-877-9392. **Rhode Island Residents:** Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, [www.riag.ri.gov](http://www.riag.ri.gov), Telephone: 401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are three (3) Rhode Island residents impacted by this incident. **All US Residents:** Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft), 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.