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May 28, 2020

**VIA E-MAIL**

Gordon J. MacDonald  
Attorney General  
Consumer Protection Bureau  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

Re: Notification of Data Security Incident

Attorney General MacDonald:

We represent Whirley Drinkworks (“Whirley”), a food and beverage container company headquartered in Warren, Pennsylvania. Whirley manufactures and distributes customized food and beverage containers and products to its clients. This notification pertains to a data security incident involving Whirley, which is described in greater detail below. This letter is submitted on behalf of Whirley pursuant to N.H. Rev. Stat. § 359-C:20, because Whirley’s investigation determined that the personal information of one New Hampshire resident may have been affected by the incident. Whirley takes the protection of sensitive information very seriously and is taking steps to prevent similar incidents from occurring in the future.

**1. Nature of the Security Incident.** Whirley suspected in late 2019 that a phishing incident may have permitted an unauthorized user to access three accounts in their email system. Whirley immediately began an investigation, engaged leading independent cybersecurity experts to provide assistance, and took steps to secure all email accounts.

On February 11, 2020, following a thorough review of the emails and attachments within the impacted accounts, Whirley confirmed that the personal information in the form of Social Security numbers or driver’s license numbers contained in the impacted accounts may have been accessed by an unauthorized individual. The location and notification process then began.

**2. Number of New Hampshire Residents Affected.** A total of one New Hampshire resident was affected by this incident. Whirley notified the affected New Hampshire residents via the enclosed letter on May 28, 2020.

**3. Steps Taken Relating to the Incident.** Whirley has taken significant steps to help prevent a similar situation from arising in the future and to protect the privacy and security of all sensitive information in its possession. Whirley has enhanced the security of its systems and network, including, but not limited to, universal password resets and additional employee security protocols to prevent unauthorized access.

While Whirley is not aware of the misuse of any information as a result of this incident, in an abundance of caution, Whirley is providing twelve months of complimentary identity monitoring services to potentially impacted consumers through ID Experts. Those services include credit, fraud, and identify theft monitoring, and identity theft assistance and insurance.

**4. Contact Information.** Whirley remains dedicated to protecting the PI in its control. If you have any questions or need additional information, please do not hesitate to contact me at 215.977.4060 or via email at [Richard.Goldberg@LewisBrisbois.com](mailto:Richard.Goldberg@LewisBrisbois.com).

Very truly yours,

*/s/ Richard W. Goldberg*

Richard W. Goldberg of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

RWG  
Enclosure

4832-2809-2604.1



C/O ID Experts  
10300 SW Greenburg Rd. Suite 570  
Portland, OR 97223

To Enroll, Please Call:  
1-800-939-4170  
Or Visit:  
<https://app.myidcare.com/account-creation/protect>  
Enrollment Code:  
<<XXXXXXXXXX>>

<<First Name>> <<Last Name>>  
<<Address1>> <<Address2>>  
<<City>>, <<State>> <<Zip>>

May 28, 2020

### Notice of Data Security Incident

Dear <<First Name>> <<Last Name>>,

We are writing to provide you with information about a data security incident that may have affected your personal information (“PI”). We take the privacy and security of your information very seriously and regret any concern that this incident might cause. That is why we are contacting you and informing you about steps that can be taken to protect your information.

**What Happened?** On May 4, 2020, Whirley learned that your information may have been exposed in a data security incident which affected our email system. Late last year the company learned that that an unauthorized person gained access to our email system. We immediately began an investigation and engaged a leading independent cybersecurity investigation firm to secure all company email accounts and find out if any personal information was exposed. Once the investigation concluded we were able to identify whose information might have been involved. While we are unaware of any evidence indicating that anyone’s information has been misused as a result of this incident, we are informing you of the incident and providing you with information can take to further protect your personal information. We are also providing you with credit monitoring and identity protection services for a period of twelve months at no cost to you.

**What Was Involved?** Based upon our investigation, the affected PI may have included names, financial account information, and driver’s license numbers. Your Social Security Number was not involved.

**What Are We Doing?** As soon as we discovered the incident, we took the steps described above. We are also providing you with information about steps that you can take to help protect your personal information. We have also updated our internal procedures and have implemented additional safeguards to minimize the chance that an incident like this could occur in the future. As an added precaution, we are offering you complimentary identity monitoring services through ID Experts, a leader in risk mitigation and response. These services include: twelve (12) months of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, exclusive educational materials and fully managed identity theft recovery services. With this protection, ID Experts will help you to resolve issues if your identity is compromised.

To receive these services, you must be over the age of 18, 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.

**What You Can Do.** We encourage you to contact ID Experts with any questions and to enroll in free MyIDCare services by calling 1-800-939-4170 or going to <https://app.myidcare.com/account-creation/protect>; and using the Enrollment Code provided above. MyIDCare experts are available Monday through Friday from 8:00 am – 8:00 pm Central Time. Please note the deadline to enroll is August 28, 2020.

At this time there is no evidence that your information has been misused. However, we encourage you to take full advantage of this service offering. MyIDCare representatives can answer questions or concerns you may have regarding protection of your personal information.

**For More Information.** You will find detailed instructions for enrollment on the enclosed Recommended Steps document. Also, you will need to reference the enrollment code at the top of this letter when calling or enrolling online, so please do not discard this letter. Please call 1-800-939-4170 or go to <https://app.myidcare.com/account-creation/protect> for assistance or for any additional questions you may have.

We remain dedicated to protecting your personal information and apologize for any concern or inconvenience this may cause you.

Sincerely,

**Whirley Drinkworks**



## Recommended Steps to help Protect your Information

- 1. Website and Enrollment.** Go to <https://app.myidcare.com/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter.
- 2. Activate the credit monitoring** provided as part of your MyIDCare membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, MyIDCare will be able to assist you.
- 3. Telephone.** Contact MyIDCare at 1-800-939-4170 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.
- 4. Review your credit reports.** We recommend that you remain vigilant by reviewing account statements and monitoring credit reports. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three major credit reporting companies. To obtain a free annual credit report, go to [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228. You may wish to stagger your requests so that you receive a free report by one of the three credit bureaus every four months.

If you discover any suspicious items and have enrolled in MyIDCare, notify them immediately by calling or by logging into the MyIDCare website and filing a request for help.

If you file a request for help or report suspicious activity, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop and reverse the damage quickly.

You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that you have been a victim. A police report is often required to dispute fraudulent items. You can report suspected incidents of identity theft to local law enforcement or to the Attorney General.

**5. Place Fraud Alerts** with the three credit bureaus. If you choose to place a fraud alert, we recommend you do this after activating your credit monitoring. You can place a fraud alert at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. The contact information for all three bureaus is as follows:

### Credit Bureaus

Equifax Fraud Reporting  
1-866-349-5191  
P.O. Box 105069  
Atlanta, GA 30348-5069  
[www.equifax.com](http://www.equifax.com)

Experian Fraud Reporting  
1-888-397-3742  
P.O. Box 9554  
Allen, TX 75013  
[www.experian.com](http://www.experian.com)

TransUnion Fraud Reporting  
1-800-680-7289  
P.O. Box 2000  
Chester, PA 19022-2000  
[www.transunion.com](http://www.transunion.com)

It is necessary to contact only ONE of these bureaus and use only ONE of these methods. As soon as one of the three bureaus confirms your fraud alert, the others are notified to place alerts on their records as well. You will receive confirmation letters in the mail and will then be able to order all three credit reports, free of charge, for your review. An initial fraud alert will last for one year.

**Please Note: No one is allowed to place a fraud alert on your credit report except you.**

**6. Security Freeze.** By placing a security freeze, someone who fraudulently acquires your personal identifying information will not be able to use that information to open new accounts or borrow money in your name. You will need to contact the three national credit reporting bureaus listed above to place the freeze. Keep in mind that when you place the freeze, you will not be able to borrow money, obtain instant credit, or get a new credit card until you temporarily lift or permanently remove the freeze. There is no cost to freeze or unfreeze your credit files.

**7. You can obtain additional information** about the steps you can take to avoid identity theft from the following agencies. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them.

**California Residents:** Visit the California Office of Privacy Protection ([www.oag.ca.gov/privacy](http://www.oag.ca.gov/privacy)) for additional information on protection against identity theft.

**Kentucky Residents:** Office of the Attorney General of Kentucky, 700 Capitol Avenue, Suite 118 Frankfort, Kentucky 40601, [www.ag.ky.gov](http://www.ag.ky.gov), Telephone: 1-502-696-5300.

**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.

**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\\_cfbp\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfbp_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, 9001 Mail Service Center Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), Telephone: 1-919-716-6400.

**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

**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.