

BakerHostetler

Baker&Hostetler LLP

811 Main Street
Suite 1100
Houston, TX 77002-6111

T 713.751.1600
F 713.751.1717
www.bakerlaw.com

Lynn Sessions
direct dial: 713.646.1352
lsessions@bakerlaw.com

November 11, 2022

VIA EMAIL (DOJ-CPB@DOJ.NH.GOV)

Attorney General John Formella
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Incident Notification

Dear Attorney General Formella:

We are writing on behalf of our client, Yale University, regarding a security incident involving at least one New Hampshire resident.¹ Yale is headquartered in New Haven, Connecticut.

On September 12, 2022, Yale Medicine learned that an unauthorized third party accessed a computer server and deployed malware that rendered files on the server inaccessible. Based on its cybersecurity investigation, Yale cannot rule out the possibility that, as a result of this incident, files containing some patient information may have been subject to unauthorized access. The server stored information about patients seen at Dr. Tito Vasquez's former practice, Connecticut Plastic Surgery Group LLC, between 2009 and May 3, 2021, including patient names, dates of birth, addresses, medical record numbers, Social Security numbers (if provided), driver's license numbers, insurance information, credit card numbers, photographs, and office visit notes. This incident did not involve the records of any other practices of Yale Medicine.

Yale and Dr. Vasquez reviewed their records to identify individuals whose records may have been stored on the subject server. As a result of that review, Yale determined that at least one New Hampshire resident's information may have been involved.

On November 11, 2022, Yale mailed a notification letter to the New Hampshire resident via U.S. First-Class mail in accordance with the Health Insurance Portability and Accountability

¹ This notice does not waive Yale's objection that New Hampshire lacks personal jurisdiction over it regarding any claims related to this incident.

Act (45 CFR § 160.404) and N.H. Rev. Stat. Ann. § 359-C:20. A sample copy of the notification letter is enclosed.

Yale is taking steps to help reduce the possibility of a similar event occurring in the future, including reviewing computer security at Yale Medicine practice groups and improving procedures for securing computers owned by practices that join Yale Medicine.

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

Sincerely,

Lynn Sessions

Enclosure



<<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>>:

Yale Medicine and Dr. Tito Vasquez are committed to protecting the confidentiality and security of the patient information we maintain. We are writing to let you know about a data security incident that may have resulted in unauthorized access to some of your information. This letter explains the incident, measures we have taken, and steps you can take in response.

What Happened? On September 12, 2022, Yale Medicine learned that an unauthorized third party accessed a computer server on approximately August 11, 2022, and deployed malware that rendered files on the server inaccessible. Based on our cybersecurity investigation, we cannot rule out the possibility that, as a result of this incident, files containing some of your information may have been subject to unauthorized access.

What Information Was Involved? The server stored information about patients seen at Dr. Vasquez's former practice, Connecticut Plastic Surgery Group LLC, between 2009 and May 3, 2021. If you were seen during that time period, the information may have included your name, date of birth, address, medical record number, driver's license number, Social Security number (if provided), insurance information, credit card number, photographs, and office visit notes.

Please be assured that at this time, we have no information indicating that any of your information was misused or shared, and the incident did not involve the records of any other practices of Yale Medicine.

What We Are Doing and What You Can Do. We are committed to providing quality care, including protecting your personal information. We want to assure you that we have policies and procedures to help protect your privacy and ensure the confidentiality, integrity, and security of patient information. We have conducted an in-depth investigation into the incident, and we are taking steps to help reduce the possibility of a similar event occurring in the future, including reviewing computer security at Yale Medicine practice groups and improving procedures for securing computers owned by practices that join Yale Medicine.

While we have no indication that your information has been misused, as a precaution, we are offering you identity monitoring services through our partner Kroll, at no cost for 24 months. The enclosed information describes Kroll's services and explains how you can activate them. 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, a Current Credit Report, Web Watcher, Public Persona, Quick Cash Scan, \$1 Million Identity Fraud Loss Reimbursement, Fraud Consultation, and Identity Theft Restoration.

We encourage you to activate these services, as explained in the enclosed material. Whether or not you activate the Kroll services, it is always a good idea to watch for signs that your personal information is being misused and report any suspicious activity to local law enforcement authorities. Included with this letter is additional guidance on protecting your information.

For More Information. We deeply regret any concern or inconvenience this incident may cause you. If you have questions, or would like additional information, please visit our website regarding this incident at <https://ym.care/dataincident2022>, or contact us at (855) 926-1375, Monday through Friday between 9:00 a.m. and 6:30 p.m. Eastern Time, excluding major U.S. holidays.

Sincerely,

Susan Bouregy
Chief Privacy Officer



TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES

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

Triple Bureau Credit Monitoring and Single Bureau Credit Report

Your current credit report is available for you to review. You will also receive alerts when there are changes to your credit data at any of the three national credit bureaus—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you will 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.

Web Watcher

Web Watcher monitors internet sites where criminals may buy, sell, and trade personal identity information. An alert will be generated if evidence of your personal identity information is found.

Public Persona

Public Persona monitors and notifies when names, aliases, and addresses become associated with your Social Security number. If information is found, you will receive an alert.

Quick Cash Scan

Quick Cash Scan monitors short-term and cash-advance loan sources. You will receive an alert when a loan is reported, and you can call a Kroll fraud specialist for more information.

\$1 Million Identity Fraud Loss Reimbursement

Reimburses you for out-of-pocket expenses totaling up to \$1 million in covered legal costs and expenses for any one stolen identity event. All coverage is subject to the conditions and exclusions in the policy.

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.

HOW TO ACTIVATE IDENTITY MONITORING SERVICES

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

You have until <<b2b_text_6 (date)>> to activate your identity monitoring services.

Membership Number: <<Membership Number s_n>>

For more information about Kroll and your Identity Monitoring services, you can visit info.krollmonitoring.com.

Additional information describing your services is included with this letter.

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:

Connecticut: You may contact and obtain information from your state attorney general at: *Connecticut Attorney General's Office*, 165 Capitol Ave, Hartford, CT 06106, 1-860-808-5318, www.ct.gov/ag.

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.

Massachusetts: Under Massachusetts 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: *Office of the Massachusetts Attorney General*, One Ashburton Place, Boston, MA 02108, 1-617-727-8400, www.mass.gov/ago/contact-us.html.

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> | *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: 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.