

CONFIDENTIAL



April 10, 2015

**CONTAINS CONFIDENTIAL INFORMATION  
VIA OVERNIGHT DELIVERY**

Attorney General Joseph Foster  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

Re: Update to Notice of Data Security Incident Involving Retail Capital, LLC

Dear Attorney General Foster:

This firm represents Retail Capital, LLC ("Retail Capital"). Pursuant to New Hampshire Rev. Stat. Ann. § 359-C:20(l)(b), we notified you via letter dated April 1, 2015, of a data security incident involving a single user email box of a Retail Capital employee that occurred on March 17, 2015. As noted therein, Retail Capital identified the intrusion, re-established the security of the compromised electronic mailbox within approximately 40 minutes and immediately initiated an investigation.

Although we previously anticipated sending notice to the **3 New Hampshire residents** (out of a total of 741 notified data subjects) whose personal information was contained in the mailbox on April 2, 2015, the notice was delayed slightly. Those residents are being notified by mail on April 10, 2015, and a copy of that notice – substantively identical to the prior sample provided – is enclosed.

Again, the company has no reason to believe any specific person's personal information was accessed or otherwise compromised, but, because the mailbox contained personal information, is providing notice and will offer affected individuals **identity theft coverage for a period of two years** through ID Experts.

Should you have any questions or concerns regarding this matter, please contact me for additional information.

Sincerely,

*Behnam Dayanin / MSH*



Counsel to Retail Capital, LLC

Enclosure

cc: Erik Stamell, General Counsel, Retail Capital, LLC

# RetailCapital

Fast. Easy. Flexible.

Retail Capital  
C/O ID Experts  
10300 SW Greenburg Road, Ste 570  
Portland, OR 97223

«name\_first» «name\_last»

«home\_address»

«city», «state» «zip»

April 10, 2015

Dear Current or Former Applicant:

We write to you with important information about a potential compromise of certain personal information that occurred on March 17, 2015. The incident involved unauthorized access by an unidentified third party to the electronic mailbox of one of our sales managers. The intruder was able illicitly to acquire the manager's password, thereby gaining access to the manager's electronic mailbox. Upon gaining access, the intruder locked our employee out of the mailbox. We identified the intrusion and re-established the security of the mailbox within approximately 40 minutes. We do not believe any other employee mailbox or system resource was compromised. We also have implemented additional security procedures that are intended to prevent recurrence of this or a similar type of event.

As noted, the intrusion lasted only about 40 minutes, and we have no specific basis to conclude that your personal information was accessed. Nonetheless, our sales manager's mailbox contained funding applications and related information provided by applicants in support of their applications, including one or more of your name, business address, Social Security number, driver's license number and bank account number or statements. For that reason, we provide you with this notice.

In an effort to protect against any potential misuse of information that may result from the compromise, **Retail Capital will provide you identity theft coverage for a period of two years through ID Experts.** ID Experts®, data breach and recovery services expert, will provide you with fully managed recovery services which also include: 2 years of FraudStop™ credit monitoring, a \$20,000 insurance reimbursement policy, exclusive educational materials, and complete access to their fraud resolution representatives. With this protection, ID Experts will help you resolve issues if your identity is compromised.

We encourage you to contact ID Experts with any questions and to enroll in the free services by calling 1-888-653-7709 or going to [www.idexpertscorp.com/protect](http://www.idexpertscorp.com/protect). ID Experts is available by phone Monday through Friday from 9 am - 9 pm Eastern Time through May 13, 2015. Online enrollment will be available through July 13, 2015. **Your Access Code is:**  
**«Membership Code»**

We also recommend that you contact your bank and any credit card companies immediately to notify them of the potential disclosure of your Social Security number. Going forward, you should continue to monitor your account statements for evidence of fraud. You also may take the following precautions to safeguard your personal information:

- Call the toll-free numbers of any one of the three major credit bureaus to place a fraud alert on your credit report. This can help prevent an identity thief from opening additional accounts in your name. As soon as the credit bureau confirms your fraud alert, the other two credit bureaus will automatically be notified to place alerts on your credit report, and all three reports will be sent to you free of charge.
  - **Equifax:** 1-888-766-0008  
[https://www.alerts.equifax.com/AutoFraud\\_Online/jsp/fraudAlert.jsp](https://www.alerts.equifax.com/AutoFraud_Online/jsp/fraudAlert.jsp); Equifax Consumer Fraud Division, PO Box 740256, Atlanta, GA 30374
  - **Experian:** 1-888-397-3742; [www.experian.com](http://www.experian.com); Experian Fraud Division, P.O. Box 9530, Allen, TX 75013
  - **TransUnion:** 1-800-680-7289; [www.transunion.com](http://www.transunion.com); TransUnion Fraud Victim Assistance Department, P.O. Box 2000, Chester, PA 19022
- Order your credit reports. By establishing a fraud alert, you will receive a follow-up letter that will explain how you can receive a free copy of your credit report. When you receive your credit report, examine it closely and look for signs of fraud, such as credit accounts that are not yours.
- Call the Federal Trade Commission (FTC) to get more information about fraud and identity theft. The FTC operates a call center for identity theft victims where counselors tell consumers how to protect themselves and what steps to take if they become victims of identity theft.
  - **Federal Trade Commission:** 1-877-IDTHEFT (1-877-438-4338); [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft); 600 Pennsylvania Avenue, NW, Washington, DC 20580
- Consider placing a security freeze on your credit reports. Unlike a fraud alert, which is free and alerts creditors to employ heightened identity verification before extending new or additional credit in your name, a security freeze restricts the credit bureaus' ability to release your credit information to third parties without your permission. Security freezes are not available in every state, and may incur an additional charge.

Please contact us at 1-888-653-7709 for additional information, or we encourage you to enroll online at [www.idexpertscorp.com/protect](http://www.idexpertscorp.com/protect).

Retail Capital understands the importance of your personal and business information. We take very seriously our obligation to safeguard that information and to use it in an appropriate manner. We deeply regret this occurrence and hope that it has not damaged your confidence in

us. Retail Capital continually assesses our security measures to explore ways in which we might protect and improve the security of the information we maintain. This incident only serves to reinforce that commitment.

Sincerely,

Glenn Goldman  
Chief Executive Officer, Retail Capital LLC

## **ID Experts Recommended Steps for Enrollment and Protecting Your Information**

**1. Website and Enrollment:** Go to [www.idexpertscorp.com/protect](http://www.idexpertscorp.com/protect) and follow the instructions for enrollment using your Access Code provided above. Once you have completed your enrollment, you will receive a welcome letter by email (or by mail if you do not provide an email address when you sign up). The welcome letter will direct you to the exclusive ID Experts' Member Website where you will find other valuable educational information.

**2. Activate the credit monitoring** provided as part of your membership with ID Experts, which is paid for by Retail Capital. Credit monitoring is included in the membership, but you must personally activate it for it to be effective. Please note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, ID Experts will be happy to help you.

**3. 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.privacy.ca.gov](http://www.privacy.ca.gov)) 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.

**North Carolina Residents:** Office of the Attorney General of North Carolina, 9001 Mail Service Center, Raleigh, NC 27699-9001, [www.ncdoj.com/](http://www.ncdoj.com/), Telephone: 1-919-716-6400.

**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), TDD: 1-202-326-2502.