

**LEWIS  
BRISBOIS  
BISGAARD  
& SMITH LLP**  
ATTORNEYS AT LAW

550 E. Swedesford Road, Suite 270  
Wayne, Pennsylvania 19087  
Telephone: 215.977.4100  
Fax: 215.977.4101  
www.lewisbrisbois.com

STATE OF NH  
DEPT OF JUSTICE  
2016 FEB 29 PM 12:02

**JAMES E. PRENDERGAST**  
DIRECT DIAL: 215.977.4058  
JIM.PRENDERGAST@LEWISBRISBOIS.COM

February 25, 2016

**PRIVILEGED & CONFIDENTIAL**

**VIA U.S. MAIL**

Attorney General Joseph Foster  
Office of the New Hampshire Attorney General  
Attn: Security Breach Notification  
33 Capitol Street  
Concord, NH 03301

Re: Notice of Data Event

Dear Mr. Foster:

We represent the Robert Rauschenberg Foundation ("RRF"), 381 Lafayette Street, New York, New York 10003, and are writing to notify you of a data event that may have compromised the security of personal information of 1 New Hampshire resident. By providing notice of this incident to you, RRF does not waive any rights or defenses regarding the applicability of New Hampshire law or personal jurisdiction.

### **Background**

On or about January 25, 2016, RRF learned it had been the victim of a phishing attack. The phishing attack allowed an unknown individual or individuals access into an RRF email account, where the unknown individual or individuals may have had access to personally identifiable information on individuals whose information was contained in the email account. While the investigation is ongoing, the RRF email account may have contained names, addresses, dates of birth, Social Security numbers, passport numbers, phone numbers, email addresses, credit card numbers, and bank account information.

### Notice to New Hampshire Resident

RRF, with the help of third-party forensic investigators, determined that personally identifiable information relating to 1 New Hampshire resident was contained in the email account. RRF is providing written notice of this incident to this impacted New Hampshire resident beginning on or about February 25, 2016, in substantially the same form as the letter attached hereto as *Exhibit A*.

### Other Steps Taken and To Be Taken

RRF's investigation into this incident is ongoing. RRF is offering those individuals impacted by this incident with access to two free years of credit monitoring and assistance services with Equifax's Credit Watch Silver product. RRF is also providing these individuals with helpful information on how to protect against identity theft and fraud. RRF has taken steps to prevent additional unauthorized access to its computer systems. In addition to providing notice of this incident to your office, RRF is providing notice of this incident to other regulators and consumer reporting agencies where required.

### Contact Information

Should you have any questions regarding this notification of other aspects of this event, please contact us at 215-977-4058.

Very truly yours,



James E. Prendergast of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

JEP:lm

# EXHIBIT A

[Robert Rauschenberg Foundation Letterhead/Logo]

[Date]

[Name]

[Address]

[City, State Zip]

## **Notice of Data Breach**

Dear [Name]:

The Robert Rauschenberg Foundation (“RRF”) located at 381 Lafayette Street, New York, NY 10003, recently discovered an incident that may affect the security of your personal information. We are writing to provide you with information regarding the incident, steps we’ve taken since discovering the incident, and information on what you can do to better protect against identity theft and fraud should you feel it is appropriate to do so.

***What Happened?*** On or about January 25, 2016, RRF learned it had been the victim of a phishing attack. The phishing attack allowed an unknown individual or individuals access into an RRF email account, where the unknown individual or individuals may have had access to personally identifiable information on individuals contained within the email account. The potential unauthorized access began on January 23, 2016 and ended on January 25, 2016. This notice has not been delayed as a result of a law enforcement investigation.

***What Information Was Involved.*** While our investigation is ongoing, we have determined that some of your personal information including your name and

- [Variable Text Field 1: affected data elements]

may have been impacted by this incident.

***What We Are Doing*** We take the security of your personal information very seriously, and we apologize for any inconvenience or concern this incident may cause you. In addition to launching an investigation into this incident, we have hired an outside forensic investigator to supplement our internal investigation, and to secure our computer systems. We are providing notice of this incident to impacted individuals. We are also providing you with information on how to protect against identity theft and fraud and complimentary access to two free years of credit monitoring and assistance services with Equifax®’s Credit Watch Silver product to individuals impacted by this incident. The enclosed Privacy Safeguards Information contains information on protecting against identity theft and fraud and instructions on how to enroll and receive the complimentary credit monitoring and assistance services.

***What You Can Do*** We encourage you to enroll and receive the complimentary membership to the credit monitoring and assistance services we are offering to you. We also encourage you to take the steps described in the enclosed Notice of Privacy Safeguards on how to protect yourself against identity theft and fraud.

***For More Information*** We recognize that you may have questions that are not answered in this letter. If you have questions about the incident or the content of this letter, you can contact the confidential inquiry line we've established relating to this incident. This confidential inquiry line is staffed with professionals familiar with this incident and knowledgeable on what you can do to better protect against misuse of your information. This confidential inquiry line is available Monday through Friday, 9 a.m. to 9 p.m. EST, at 1-844-746-4692.

We take your privacy and the security of your information seriously and sincerely regrets any inconvenience this incident has caused you. We continue to take appropriate actions to protect the privacy and security of your information.

Sincerely,

[Signature]

Sharon Ullman  
Chief Operating Officer, Robert Rauschenberg Foundation

## PRIVACY SAFEGUARDS INFORMATION

We have arranged with Equifax Personal Solutions to help you protect your identity and your credit information at no cost to you. The steps to follow are:

1. Enroll in Equifax Credit Watch™ Silver identity theft protection product. Enrollment instructions are below. This product is being provided to you at no cost for two years.
2. Additionally, you may choose to adopt an increased level of protection by placing a fraud alert on your credit file at Equifax and the other two credit reporting agencies

### Enroll in Equifax Credit Watch™ Silver

Equifax Credit Watch will provide you with an “early warning system” to changes to your credit file and help you to understand the content of your Equifax credit file. The key features and benefits are listed below.

Equifax Credit Watch provides you with the following benefits:

- Comprehensive credit file monitoring of your Equifax credit report with daily notification of key changes to your credit file.
- Wireless alerts and customizable alerts available
- One copy of your Equifax Credit Report™
- \$25,000 in identity theft insurance with \$0 deductible, at no additional cost to you<sup>1</sup>
- 24 by 7 live agent Customer Service to assist you in understanding the content of your Equifax credit information, to provide personalized identity theft victim assistance and in initiating an investigation of inaccurate information.
- 90 day Fraud Alert placement with automatic renewal functionality<sup>2</sup>

### How to Enroll

To sign up online for **online delivery** go to [www.myservices.equifax.com/silver](http://www.myservices.equifax.com/silver)

1. **Register:** Complete the form with your contact information (name, gender, address, date of birth, Social Security Number and telephone number) and click “Continue” button. Complete the form with your email address, create a User Name and Password, enter Promotion Code [XXXXXXXX]. Then click “Accept Terms & Continue” button. This code eliminates the need to provide a credit card number for payment. The information is provided in a secured environment. You may enroll until **February 26, 2018**.
2. **Verify ID:** The system will then ask you up to four security questions. Please answer the questions and click the “Submit Order” button. This is the Equifax Identity Verification Process.
3. **Order Confirmation:** This page shows you your order. Please click the “View my Product” button to access the product features.

We encourage you to remain vigilant, to review your account statements, and to monitor your credit reports and explanation of benefits forms for suspicious activity. 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

---

<sup>1</sup> Identity theft insurance underwritten by subsidiaries or affiliates of Chartis Inc. The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

<sup>2</sup> The Automatic Fraud Alert feature made available to consumers by Equifax Information Services LLC and fulfilled on its behalf by Equifax Consumer Services LLC

[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.

At no charge, you can also have these credit bureaus place a “fraud alert” on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. Note, however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, please contact any one of the agencies listed below.

Equifax  
P.O. Box 105069  
Atlanta, GA 30348  
800-525-6285  
[www.equifax.com](http://www.equifax.com)

Experian  
P.O. Box 2002  
Allen, TX 75013  
888-397-3742  
[www.experian.com](http://www.experian.com)

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

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer’s credit report without the consumer’s written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

If you have been a victim of identity theft, and you provide the credit bureau with a valid police report, it cannot charge you to place, list or remove a security freeze. In all other cases, a credit bureau may charge you a fee to place, temporarily lift, or permanently remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place the freeze on all of your credit files.

To find out more on how to place a security freeze, you can use the following contact information:

Equifax Security Freeze  
P.O. Box 105788  
Atlanta, GA 30348  
1-800-685-1111  
(NY residents please call  
1-800-349-9960)  
[www.equifax.com/help/credit-freeze/en\\_cp](http://www.equifax.com/help/credit-freeze/en_cp)

Experian Security Freeze  
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 Fraud Victim Assistance  
P.O. Box 2000  
Chester, PA 19022  
Fraud Division  
888-909-8872  
[www.transunion.com/securityfreeze](http://www.transunion.com/securityfreeze)

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting your state Attorney General or the Federal Trade Commission. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue, NW, Washington, DC 20580; [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. **For North Carolina residents**, the Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400; and online at [www.ncdoj.gov](http://www.ncdoj.gov). **For Maryland residents**, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-888-743-0023, [www.oag.state.md.us](http://www.oag.state.md.us). Instances of known or suspected identity theft should also be reported to law enforcement.

Instances of known or suspected identity theft should be reported to law enforcement, your Attorney General, and the FTC.