

August 27, 2020

Robert Walker 601.499.8083 (direct) Robert.Walker@wilsonelser.com

# Via First Class Mail

Attorney General Gordon J. MacDonald
Office of the Attorney General
33 Capitol Street
Concord, NH 03302

RECEIVED

SEP 0 8 2020

Re:

**Data Security Incident** 

**GONSUMER PROTECTION** 

Dear Attorney General MacDonald:

Wilson Elser Moskowitz Edelman and Dicker LLP ("Wilson Elser") represents Utah Pathology Services, Inc. ("Utah Pathology") with respect to a potential data security incident described in more detail below. Utah Pathology takes the security and privacy of the information in its control seriously, and has taken steps to prevent a similar incident from occurring in the future.

# 1. Nature of the security Incident.

On June 30, 2020 Utah Pathology discovered that an unknown party attempted to redirect funds within Utah Pathology. This suspicious activity did not involve any patient information. Upon discovery of the attempted fraud, Utah Pathology quickly secured the impacted email account and launched an investigation. The investigation was performed with the help of independent IT security and forensic investigators to determine the scope and extent of the potential unauthorized access to Utah Pathology systems and any sensitive information.

# 2. Number of New Hampshire residents affected.

On or about August 18, 2020, Utah Pathology finished identifying a population of five (5) New Hampshire residents that were potentially affected by this Incident. Incident notification letters addressed to that individual will be mailed on August 28, 2020, via First Class Mail. A sample copy of the Incident notification letter being mailed to potentially affected residents of New Hampshire is included with this letter at Exhibit A.

# 3. Steps taken.

Utah Pathology takes the security of all information in our control very seriously, and are taking steps to prevent a similar event from occurring in the future by implementing additional safeguards and security measures to enhance the privacy and security of information in our systems. Utah Pathology also reported this incident to law enforcement.



Utah Pathology has also gone to great lengths to identify and notify any individuals who were potentially impacted as result of this Incident including the hiring of a third-party vendor to arrange for any potentially affected residents of New Hampshire to receive complimentary credit monitoring and identify theft protection services for twelve (12) months.

#### 4. Contact information.

Utah Pathology remains dedicated to protecting the sensitive information within its control. If you have any questions or need additional information, please do not hesitate to contact me at Robert. Walker@wilsonelser.com or (601) 499-8083.

Very truly yours,

Robert Walker



# **EXHIBIT A**



<Mail ID>>
<Name 1>>
<Name 2>>
<Address 1>>
<Address 2>>
<Address 3>>
<Address 4>>
<Address 5>>
<City>><State>><Zip>>>

<<Date>>

#### Subject:

#### **Notification of Data Security Incident**

Dear << Name 1>>:

We are writing to inform you of a data security incident involving Utah Pathology Services, Inc. ("Utah Pathology") that may have resulted in the unauthorized access to some of your personal information. We take the privacy and protection of your personal information very seriously. We sincerely apologize and regret any inconvenience this incident may cause. This letter contains information about what happened, steps we have taken, and the resources we are making available to you to protect your identity.

On June 30, 2020, we learned than an unknown party attempted to redirect funds within Utah Pathology. This suspicious activity did not involve any patient information. Upon discovery of the attempted fraud, Utah Pathology quickly secured the impacted email account and launched an investigation. The investigation was performed with the help of independent IT security and forensic investigators to determine the scope and extent of the potential unauthorized access to Utah Pathology systems and any sensitive information.

Our investigation is ongoing, but we discovered that your personal information, including your name and one or more of the following personal attributes was accessible to the unauthorized party: your date of birth, gender, phone number, mailing address, email address, insurance information including ID and group numbers, and medical and health information including internal record numbers and clinical and diagnostic information related to pathology services. At this time we do not have any evidence that any patient information has been misused. Nevertheless, we are notifying all potentially affected patients out of an abundance of caution.

Although we are unaware of any misuse of our or anyone's information, to help relieve concerns and restore confidence following this incident, we have secured the services of CyberScout to provide identity monitoring, at no cost to you, for twelve (12) months.

Single-Bureau Credit Monitoring + Proactive Fraud Assistance + ID Theft and Fraud Resolution + Credit Freeze

**DBC P20 B109** 

We are providing you with access to Single Bureau Credit Monitoring services at no charge. Services are for one year from the date of enrollment. When changes occur to your Experian credit file, notification is sent to you the same day that the change or update takes place with the bureau. In addition, we are providing you with proactive fraud assistance to help with any questions you might have. In the event you become a victim of fraud you will also have access remediation support from a CyberScout Fraud Investigator. In order for you to receive the monitoring service described above, you must enroll within 90 days from the date of this letter.

#### How do I enroll for the free services?

To enroll in Credit Monitoring services at no charge, please log on to <a href="https://www.myidmanager.com">https://www.myidmanager.com</a> and follow the instructions provided. When prompted please provide the following unique code to receive services: <<a href="Activation Code">Activation Code</a>>. In order for you to receive the monitoring services described above, you must enroll within 90 days from the date of this letter.

We take the security of all information in our control very seriously, and are taking steps to prevent a similar event from occurring in the future by implementing additional safeguards and security measures to enhance the privacy and security of information in our systems. We also reported this incident to law enforcement.

Please know that the protection and security of your personal information is of our outmost priority, and we sincerely regret any concern or inconvenience that this matter may cause you. If you have any questions, please call 855-917-3569 Monday through Friday, 7 am to 7 pm Mountain Time.

Sincerely,

Dennem Wolfley

Chief Operating Officer Utah Pathology Services, Inc.

Dennem Wolfley

For residents of *Hawaii*, *Michigan*, *Missouri*, *Virginia*, *Vermont*, and *North Carolina*: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

For residents of Illinois, Iowa, Maryland, Missouri, North Carolina, Oregon, and West Virginia:

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report from each of the three nationwide credit reporting agencies. To order your free credit report, please visit <a href="www.annualcreditreport.com">www.annualcreditreport.com</a>, or call toll-free at 1-877-322-8228. You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available at <a href="https://www.consumer.ftc.gov/articles/0155-free-credit-reports">https://www.consumer.ftc.gov/articles/0155-free-credit-reports</a>) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

#### For residents of *Iowa*:

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon:

State laws advise you to report any suspected identity theft to law enforcement, including the Attorney General, and the Federal Trade Commission.

For residents of Arizona, Colorado, Maryland, Rhode Island, Illinois, New York, and North Carolina:

You can obtain information from the Offices of the Attorney General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

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<Mail ID>>
<Name 1>>
<Name 2>>
<Address 1>>
<Address 2>>
<Address 3>>
<Address 4>>
<Address 5>>
<City>><State>>><Zip>>>

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Dennem Wolfley

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<Mail ID>>
To the Parent or Guardian of
<Name 1>>
<Name 2>>
<Address 1>>
<Address 2>>
<Address 3>>
<Address 4>>
<Address 5>>
<City>><State>><Zip>>>
<Country>>

<<Date>>

Subject:

**Notification of Data Security Incident** 

Dear Parent or Guardian of << Name 1>>:

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Our investigation is ongoing, but we discovered that your dependent's personal information, including their name and one or more of the following personal attributes was accessible to the unauthorized party: date of birth, gender, phone number, mailing address, email address, insurance information including ID and group numbers, and medical and health information including internal record numbers and clinical and diagnostic information related to pathology services. At this time we do not have any evidence that any patient information has been misused. Nevertheless, we are notifying all potentially affected patients out of an abundance of caution.

Although we are unaware of any misuse of our or anyone's information, to help relieve concerns and restore confidence following this incident, we have secured the services of Equifax to provide your dependent with complimentary identity monitoring services. Information about the services being provided by Equifax, along with additional information about how to protect yourself, is included in the materials attached to this letter.

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Sincerely,

Dennem Wolfley

Chief Operating Officer Utah Pathology Services, Inc.

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AB2271 v.02



# **Product Information**

Equifax Child Identity Monitoring will scan the Equifax credit database for any instances of the minor's social security number and look for a copy of the minor's Equifax credit file.

If no SSN match is found and no Equifax credit file exists, Equifax will create an Equifax credit file in the
minor's name and immediately "lock" the Equifax credit file. This will prevent access to the minor's Equifax
credit file in the future. If Equifax receives a request for your minor's Equifax credit report, you will receive
an email alert.

• If there is a match and an Equifax credit file exists, Equifax will immediately "lock" the file and alert you to

activity against the file, such as an attempt to open a new line of credit.

• The minor's Equifax credit file will be locked for 12 months from date of activation. After that time, the minor's Equifax credit file will be deleted from our credit database if it contains no credit data.

#### **Enrollment Instructions**

To enroll in Equifax Child Identity Monitoring go to <a href="http://myservices.equifax.com/efx1\_brminor">http://myservices.equifax.com/efx1\_brminor</a> and follow the instructions below:

- Welcome Page: Enter the Activation Code provided at the top of this page in the "Activation Code" box and click the "Submit" button.
- 2. Register: Complete the form with <u>YOUR</u> contact information first (name, gender, home address, date of birth, Social Security Number and telephone number) and click the "Continue" button.
- 3. Create Account: Complete the form with your email address, create a User Name and Password, after reviewing the Terms of Use, check the box to accept the Terms of Use and click the "Continue" button.
- 4. Verify ID: The system will then ask you up to four security questions to verify your identity. Please answer the questions and click the "Submit Order" button.
- Order Confirmation: This page shows you your completed enrollment. Please click the "View My Product" button to access the product features.
- 6. Click the orange button "Enroll Child" to enter your child's information (child's name, Date of Birth and Social Security Number). Note: if you enter the child's SSN incorrectly, you will need to remove the minor by going to your Member Center and clicking on "My Account" to remove the minor from the account. You may then re-enroll the minor with the correct SSN.
- 7. Check the box confirming you are the child's parent or guardian.
- 8. Click "Submit" to enroll your child.

For residents of *Hawaii*, *Michigan*, *Missouri*, *Virginia*, *Vermont*, and *North Carolina*: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

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<Mail ID>>
To the Parent or Guardian of
<Name 1>>
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<Address 1>>
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### **Enter your Activation Code:** << ACTIVATION CODE>>



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To enroll in Equifax Child Identity Monitoring go to <a href="http://myservices.equifax.com/efx1\_brminor">http://myservices.equifax.com/efx1\_brminor</a> and follow the instructions below:

- 1. Welcome Page: Enter the Activation Code provided at the top of this page in the "Activation Code" box and click the "Submit" button.
- 2. Register: Complete the form with <u>YOUR</u> contact information first (name, gender, home address, date of birth, Social Security Number and telephone number) and click the "Continue" button.
- 3. Create Account: Complete the form with your email address, create a User Name and Password, after reviewing the Terms of Use, check the box to accept the Terms of Use and click the "Continue" button.
- 4. Verify ID: The system will then ask you up to four security questions to verify your identity. Please answer the questions and click the "Submit Order" button.
- 5. Order Confirmation: This page shows you your completed enrollment. Please click the "View My Product" button to access the product features.
- 6. Click the orange button "Enroll Child" to enter your child's information (child's name, Date of Birth and Social Security Number). Note: if you enter the child's SSN incorrectly, you will need to remove the minor by going to your Member Center and clicking on "My Account" to remove the minor from the account. You may then re-enroll the minor with the correct SSN.
- 7. Check the box confirming you are the child's parent or guardian.
- 8. Click "Submit" to enroll your child.

For residents of *Hawaii*, *Michigan*, *Missouri*, *Virginia*, *Vermont*, and *North Carolina*: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

For residents of Illinois, Iowa, Maryland, Missouri, North Carolina, Oregon, and West Virginia:

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report from each of the three nationwide credit reporting agencies. To order your free credit report, please visit <a href="www.annualcreditreport.com">www.annualcreditreport.com</a>, or call toll-free at 1-877-322-8228. You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available at https://www.consumer.ftc.gov/articles/0155-free-credit-reports) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

#### For residents of *Iowa*:

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon:

State laws advise you to report any suspected identity theft to law enforcement, including the Attorney General, and the Federal Trade Commission.

For residents of Arizona, Colorado, Maryland, Rhode Island, Illinois, New York, and North Carolina:

You can obtain information from the Offices of the Attorney General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

Maryland Office of the Attorney General Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023, <a href="https://www.oag.state.md.us">www.oag.state.md.us</a>

Rhode Island Office of the Attorney General Consumer Protection, 150 South Main Street, Providence, RI 02903, 1-401-274-4400, www.riag.ri.gov

North Carolina Office of the Attorney General Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226, <a href="https://www.ncdoj.gov">www.ncdoj.gov</a>

Federal Trade Commission Consumer Response Center, 600 Pennsylvania Ave, NW, Washington, DC 20580, 1-877-IDTHEFT (438-4338), www.ftc.gov/idtheft

New York Office of Attorney General Consumer Frauds & Protection, The Capitol, Albany, NY 12224, 1-800-771-7755, https://ag.ny.gov/consumer-frauds/identity-theft

Colorado Office of the Attorney General Consumer Protection, 1300 Broadway, 9th Floor, Denver, CO 80203, 1-720-508-6000, www.coag.gov

Arizona Office of the Attorney General Consumer Protection & Advocacy Section, 2005 North Central Avenue, Phoenix, AZ 85004, 1-602-542-5025

Illinois Office of the Attorney General Consumer Protection Division, 100 W Randolph St., Chicago, IL 60601, 1-800-243-0618, www.illinoisattorneygeneral.gov

For residents of Massachusetts: It is required by state law that you are informed of your right to obtain a police report if you are a victim of identity theft.

#### For residents of all states:

Fraud Alerts: You can place fraud alerts with the three credit bureaus by phone and online with Equifax (<a href="https://assets.equifax.com/assets/personal/Fraud\_Alert\_Request\_Form.pdf">https://assets.equifax.com/assets/personal/Fraud\_Alert\_Request\_Form.pdf</a>); TransUnion (<a href="https://www.transunion.com/fraud-alerts">https://www.transunion.com/fraud-alerts</a>); or Experian (<a href="https://www.experian.com/fraud/center.html">https://www.experian.com/fraud/center.html</a>). 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. As of September 21, 2018, initial fraud alerts last for one year. Victims of identity theft can also get an extended fraud alert for seven years. The phone numbers for all three credit bureaus are at the bottom of this page.

Monitoring: You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

Equifax Security Freeze P.O. Box 105788 Atlanta, GA 30348 https://www.equifax.com/personal/ credit-report-services/credit-freeze/ 800-525-6285 Experian Security Freeze P.O. Box 9554 Allen, TX 75013 www.experian.com/freeze 888-397-3742 TransUnion (FVAD) P.O. Box 2000 Chester, PA 19022 freeze.transunion.com 800-680-7289