



ROPES & GRAY LLP
2099 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20006-6807
WWW.ROPESGRAY.COM

Edward R. McNicholas
T (202) 508-4779
edward.mcnicholas@ropesgray.com

March 18, 2022

Attorney General Brian Frosh
Office of the Attorney General
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, MD 21202
Idtheft@oag.state.md.us

Re: Data Incident

Dear General Frosh:

We write on behalf of our client, Fortress Biotech ("Fortress"), a biopharmaceutical company headquartered in New York, to inform you of a recent security incident that may have affected the personal information of approximately 27 Maryland residents.

On August 25, 2021, Fortress became aware that an unauthorized actor had access to an employee's email account as a result of a phishing attack. Within approximately one hour after the first unauthorized login to the account, Fortress changed the account password to block further unauthorized access; no further suspicious activity has occurred on the account after the password change.

Fortress cannot rule out the possibility that information in the individual's account was at risk during the attack. The potentially impacted information that was stored in the compromised email account may have included your state residents' first and last name, date of birth, Social Security Number, driver's license number, and/or financial account information.

Fortress is offering impacted individuals a complimentary 24-month subscription to Experian's® IdentityWorksSM. Additional information on credit monitoring services is included in the attached sample of the notification made to the affected parties. Notices to affected individuals will be sent by first-class mail starting on March 18, 2022.

In addition to changing credentials for the account involved, Fortress has enhanced its security protocols, employee education and training.

Respectfully,

Edward R. McNicholas

Enclosure: Form of Individual Notice



Return Mail Processing
PO Box 999
Suwanee, GA 30024

[DATE]

8 1 1461 *****SNGLP

SAMPLE A. SAMPLE - L01

APT ABC



123 ANY ST

ANYTOWN, US 12345-6789



Notice of Data Breach

Dear Sample A. Sample:

We are writing to share with you some important information regarding a recent incident that may have involved your personal information.

What Happened?

On August 25, 2021, we became aware that an unauthorized actor had access to an employee's email account as a result of a phishing attack. Within approximately one hour after the first unauthorized login to the account, we changed the account password to block further unauthorized access; no further suspicious activity has occurred on the account after the password change.

While we did not see any actual theft of information from that account during the hour-long window of compromise, we cannot rule out the possibility that information in the individual's account was at risk during the attack. We are contacting you out of an abundance of caution because your information was found in the employee's mailbox.

What Information Was Involved?

The potentially impacted information that was stored in the compromised email account may have included your: first and last name, date of birth, Social Security Number, driver's license number, and/or financial account information.

What We Are Doing.

Upon receiving information of the compromise, we changed the compromised account's password, and enhanced our security protocols. We also investigated the activity in the account.

While we have no evidence your personal information has actually been stolen, we have arranged to provide you with 24 months of complimentary credit monitoring with the provider below.

What You Can Do.

It is always advisable that individuals regularly review their financial accounts and report any suspicious or unrecognized activity immediately. The enclosed “Identity Theft Information” provides further information about steps that individuals can take. Federal consumer protection agencies recommend that you remain vigilant for the next 12 to 24 months and that you report any suspected incidents of fraud to the relevant financial institution.

We encourage you to take advantage of the range of identity protection services provided by Experian’s® IdentityWorksSM at no cost to you. The opportunity to subscribe to these services is not intended to suggest that you are at substantial risk of harm.

Other Important Information.

In order to assist you with this vigilance, arrangements have been made to provide you with complimentary use of Experian’s® IdentityWorksSM for 24 months should you wish to participate. Please read the attached further information about Experian’s® IdentityWorksSM and the enrollment process.

We regret this incident and any inconvenience to you. If we can be of help in any way, please contact Experian’s customer care team at (833) 281-4827 toll-free Monday through Friday from 8 am – 10 pm Central, or Saturday and Sunday from 10 am – 7 pm Central (excluding major U.S. holidays). Be prepared to provide your engagement number B028481.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Berry", with a stylized, cursive script.

Samuel Berry
General Counsel
Fortress Biotech, Inc.

Additional details regarding 24-MONTH EXPERIAN IDENTITYWORKS Membership:

To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by June 30, 2022** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code: ABCDEFGHI**

A credit card is **not** required for enrollment in Experian IdentityWorks. You can contact Experian **immediately** regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.*
- **Credit Monitoring:** Actively monitors Experian, Equifax and Transunion files for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **Up to \$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

If you believe there is fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at 1-877-890-9332. If, after discussing your situation with an agent, it is determined that Identity Restoration support is needed, then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that this Identity Restoration support is available to you for two years from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration. You will also find self-help tips and information about identity protection at this site.

* Offline members will be eligible to call for additional reports quarterly after enrolling

** The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

IDENTITY THEFT INFORMATION

It is always advisable to regularly review statements from your accounts and periodically obtain your credit report from one or more of the national credit reporting companies. You may obtain a free copy of your credit report online at www.annualcreditreport.com by calling toll free 1.877.322.8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281. You may also purchase a copy of your credit report by contacting one or more of the three national credit reporting agencies listed below:

- **Equifax**, P.O. Box 740241, Atlanta, Georgia 30374-0241. 1.800.685.1111. www.equifax.com
- **Experian**, P.O. Box 2104, Allen, TX 75013. 1.888.397.3742. www.experian.com
- **TransUnion**, P.O. Box 2000, Chester, PA 19016, www.transunion.com, 1-800-888-4213. www.transunion.com

Fraud Alert: You may contact the fraud department of the three major credit bureaus to request that a “fraud alert” be placed on your file. A fraud alert notifies potential lenders to verify your identification before extending credit in your name.

Equifax:	Report Fraud:	1.800.685.1111
Experian:	Report Fraud:	1.888.397.3742
TransUnion:	Report Fraud:	1.800.680.7289

Security Freeze for Credit Reporting Agencies: You may request a security freeze on your credit reports. A security freeze prohibits a credit reporting agency from releasing any information from a consumer’s credit report without written authorization. However, please be aware 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. It is free to place, lift or remove a security freeze. You must separately place a security freeze on your credit report at each credit bureau. To do so, you must contact the credit bureaus by phone, mail, or secure electronic means:

- **Equifax:** P.O. Box 105788, Atlanta, GA 30348, 1.800.349.9960, www.Equifax.com
- **Experian:** P.O. Box 9554, Allen, TX 75013, 1.888.397.3742, www.Experian.com
- **TransUnion:** P.O. Box 2000, Chester, PA 19106, 1.888.909.8872, www.TransUnion.com

To request a security freeze, you will need to provide your full name (including middle initial, Jr., Sr., Roman numerals, etc.), Social Security number, date of birth, address(es) where you have lived over the prior five years, proof of current address such as a current utility bill, a photocopy of a government-issued ID card, and, if you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

If you request a freeze online or by phone, the agency must place the freeze within one business day. The credit bureaus have three business days after receiving a request by mail to place a security freeze on your credit report, and they must also send confirmation to you within five business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze. To lift the freeze to allow a specific entity or individual access to your credit report, you must contact the credit reporting agencies and include (1) proper identification; (2) the PIN number or password provided to you when you placed the security freeze; and (3) the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available.

You also have rights under the federal Fair Credit Reporting Act (FCRA). These include, among others, the right to know what is in your file; to dispute incomplete or inaccurate information; and to have consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information. For more

information about the FCRA, please visit www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf or www.ftc.gov.

Steps You Can Take if You Are a Victim of Identity Theft

- File a police report. Get a copy of the report to submit to your creditors and others that may require proof of a crime.
- Contact the U.S. Federal Trade Commission (FTC). The FTC provides useful information to identity theft victims and maintains a database of identity theft cases for use by law enforcement agencies. File a report with the FTC by calling the FTC's Identity Theft Hotline: 1-877-IDTHEFT (438-4338); online at <http://www.ftc.gov/idtheft>; or by mail at Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580. Also request a copy of the publication, "Take Charge: Fighting Back Against Identity Theft" from to https://www.consumer.ftc.gov/articles/pdf-0009_identitytheft_a_recovery_plan.pdf
- Keep a record of your contacts. Start a file with copies of your credit reports, the police reports, any correspondence, and copies of disputed bills. It is helpful to log conversations with creditors, law enforcement officials, and other relevant parties.

Additional Steps to Avoid Identity Theft: The FTC has further information about steps to take to avoid identity theft at: <http://www.ftc.gov/idtheft>; calling 1-877-IDTHEFT (438-4338); or write to Consumer Response Center, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580.

State Specific Information

Connecticut residents: You may contact the Connecticut Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, 1-860-808-5318, www.ct.gov/ag.

Iowa residents may contact law enforcement or the Iowa Attorney General's Office to report suspected incidents of identity theft. This office can be reached by visiting the website at www.iowaattorneygeneral.gov, calling (515) 281-5164 or requesting more information from the Office of the Attorney General, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, IA 50319.

Maryland residents can learn more about preventing identity theft from the Maryland Office of the Attorney General, by visiting their web site at <http://www.marylandattorneygeneral.gov/Pages/IdentityTheft/default.aspx>, calling the Identity Theft Unit at 1.410.567.6491, or requesting more information at the Identity Theft Unit, 200 St. Paul Place, 16th Floor, Baltimore, MD 21202.

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

New Mexico residents have the right to obtain a police report and request a security freeze as described above and you have rights under the Fair Credit Reporting Act as described above.

New York residents can learn more about security breach response and identity theft prevention and protection information by visiting the New York Attorney General Office's website at <https://ag.ny.gov>, or calling 1-800-771-7755, or visiting the New York Department of State Division of Consumer Protection website at <http://www.dos.ny.gov/consumerprotection>, or calling 518-474-8583 / 1-800-697-1220.

North Carolina residents can learn more about preventing identity theft from the North Carolina Office of the Attorney General, by visiting their web site at <https://ncdoj.gov/protecting-consumers/identity-theft/calling> 1.919.716.6400 or requesting more information from the North Carolina Attorney General's Office, 9001 Mail Service Center Raleigh, NC 27699-9001.

Oregon residents may obtain information about preventing identity theft from the Oregon Attorney General's Office. This office can be reached by visiting the website at www.doj.state.or.us, calling (503) 378-4400 or requesting more information from the Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096.

Rhode Island residents have the right to obtain a police report and request a security freeze as described above. The consumer reporting agencies may require that you provide certain personal information (such as your name, Social Security Number, date of birth and address) and proper identification (such as a copy of a government-issued

ID card and a bill or statement) prior to honoring your request. Residents can learn more by contacting the Rhode Island Office of the Attorney General at 1.410.274.4400 or 150 South Main Street, Providence, Rhode Island 02903.

Vermont residents may learn helpful information about fighting identity theft, placing a security freeze, and obtaining a free copy of your credit report on the Vermont Attorney General's website at <https://ago.vermont.gov/>.