



150 N. Riverside Plaza, Suite 3000, Chicago, IL 60606 • (312) 819-1900

January 24, 2022

Michael J. Waters

312-463-6212

312-819-1910

mwaters@polsinelli.com

VIA E-MAIL (IDTHEFT@OAG.STATE.MD.US)

Office of the Attorney General
Attn: Jeff Karberg, Administrator of the Identity Theft Program
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, MD 21202

Re: Notification of a Data Security Incident

Dear Mr. Karberg:

We represent J.W. Cole Financial, Inc. (“J.W. Cole”) in connection with a recent incident that may have affected the personal information of one (1) Maryland resident and are reporting a potential data security incident pursuant to MD. CODE ANN., COM. LAW § 14-3504(H). This notice will be supplemented, if necessary, with any new significant facts discovered subsequent to its submission. While J.W. Cole is notifying you of this incident, J.W. Cole does not waive any rights or defenses relating to the incident or this notice, or the applicability of Maryland law on personal jurisdiction.

NATURE OF THE SECURITY BREACH OR UNAUTHORIZED USE OR ACCESS

J.W. Cole is a financial services firm headquartered in Tampa, Florida. On September 23, 2021, J.W. Cole identified suspicious activity in an email account of one of the firm’s independent financial professionals. Upon learning of the situation, J.W. Cole promptly secured the email account and, through legal counsel, engaged a leading cybersecurity firm to further assist with its investigation and containment measures. On November 29, 2021, J.W. Cole learned that an unauthorized third party could have accessed certain documents in the email account that contained personal information. Although no definitive determination of access could be made and no evidence that the data has been misused, out of an abundance of caution J.W. Cole is providing notice to anyone whose personal information could have been acquired, including one (1) Maryland resident. The information at issue for the Maryland resident includes their name, Social Security number, and financial account information.

polsinelli.com

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Nashville New York Phoenix
St. Louis San Francisco Seattle Washington, D.C. Wilmington
Polsinelli PC, Polsinelli LLP in California

81584355.2

January 24, 2022

Page 2

NUMBER OF MARYLAND RESIDENTS AFFECTED

J.W. Cole determined that the incident potentially impacted one (1) Maryland resident. J.W. Cole is mailing a notification letter to the individual via USPS mail on January 24, 2022 and is providing twelve (12) months of complimentary credit monitoring and identity theft protection services. Enclosed is a copy of the notice that J.W. Cole is sending to the impacted individual.

STEPS TAKEN RELATING TO THE INCIDENT

Upon learning of the incident, J.W. Cole promptly controlled the incident by preventing any further access to the relevant email account. It also engaged a leading forensic security firm to conduct an investigation of the incident and confirm the security of its email account environment. J.W. Cole is undertaking efforts to reduce the risk of a similar incident occurring in the future, including enhancing its technical security measures.

CONTACT INFORMATION

Please contact me if you have any questions or if I can provide you with any further information concerning this matter.

Very truly yours,



Michael J. Waters

Enclosure



<<First>><<Middle>><<Last>><<Suffix>>

<<Address>>

<<City>><<State>><<Zip>>

<<Date>>

RE: NOTICE OF POTENTIAL DATA BREACH

Dear <<First>><<Middle>><<Last>><<Suffix>>:

The protection and privacy of your personal information is one of our highest priorities. Because of this, we are writing to make you aware of a recent data security incident that may have involved some of your information. **We have no reason to believe that your personal information has been misused for the purpose of committing fraud or identity theft.** Nonetheless, we are writing to advise you about the incident and to provide you with guidance on what you can do to protect yourself, should you feel it is appropriate to do so.

What Happened? We recently became aware that an email account of one of our financial professionals was temporarily accessed without authorization. Upon detection, we promptly contained the incident by securing the account to prevent further access. We also engaged a leading forensic firm to determine the scope of the incident and confirm the security of our systems. We have no reason to believe that the attacker was looking for personal information, and we do not know if any information was ever actually viewed or acquired by the attacker. Nevertheless, because the unauthorized individual had temporary access to the email account, we searched for any personal information in the account that could have been viewed. On November 29, 2021, we determined that the account contained some personal information and could have been viewed for a period of time in September 2021.

What Information Was Involved? The type of information in the account differs from individual to individual, but may have included your name, date of birth, Social Security number or tax identification number, driver's license number and/or financial account information.

What We Are Doing. In addition to the actions described above, we have also taken steps to reduce the risk of this type of incident occurring in the future, including enhancing our technical security measures. Also, out of an abundance of caution, we are offering a complimentary one-year membership of Experian IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with identity protection services focused on immediate identification and resolution of identity theft. IdentityWorks Credit 3B is completely free to you and enrolling in this program will not hurt your credit score. **For more information on identity theft prevention and IdentityWorks Credit 3B, including instructions on how to activate your complimentary, one-year membership, please see the additional information attached to this letter.**

What You Can Do. We encourage you to take advantage of the complimentary credit monitoring included in this letter. You can also find more information on steps to protect yourself against possible identity theft or fraud in the enclosed *Additional Important Information* page.

For More Information. We understand that you may have questions that this letter does not answer. If you have questions, please call our office at (321) 735-4994 from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday, or our broker dealer, J.W. Cole Financial, Inc., at (813) 935-6776 and ask for the Compliance Department.

Respectfully,

Jim Herzog and Beth Courtney

ACTIVATING YOUR COMPLIMENTARY CREDIT MONITORING

To help protect your identity, we are offering a **complimentary** one-year membership of Experian IdentityWorksSM Credit 3B. This product helps detect possible misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft.

Activate IdentityWorks Credit 3B Now in Three Easy Steps

1. ENROLL by: **04/14/2022** (Your code will not work after this date.)
2. VISIT the **Experian IdentityWorks website** to enroll: <https://www.experianidworks.com/3bcredit>
3. PROVIDE the **Activation Code**: [Code]

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 877-288-8057. Be prepared to provide engagement number [number] as proof of eligibility for the identity restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-MONTH EXPERIAN IDENTITYWORKS CREDIT 3B MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks Credit 3B.

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 ExtendCARETM:** 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.

Activate your membership today at <https://www.experianidworks.com/3bcredit> or call 877-288-8057 to register with the activation code above.

What you can do to protect your information: There are additional actions you can consider taking to reduce the chances of identity theft or fraud on your account(s). Please refer to www.ExperianIDWorks.com/restoration for this information. If you have any questions about IdentityWorks, need help understanding something on your credit report or suspect that an item on your credit report may be fraudulent, please contact Experian's customer care team at 877-288-8057.

* 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.

Additional Important Information

As a precautionary measure, we recommend that you remain vigilant to protect against potential fraud and/or identity theft by, among other things, reviewing your account statements and monitoring credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You should also promptly report any fraudulent activity or any suspected incidents of identity theft to proper law enforcement authorities, including the police and your state's attorney general, as well as the Federal Trade Commission ("FTC").

You may wish to review the tips provided by the FTC on fraud alerts, security/credit freezes and steps you can take to avoid identity theft. For more information and to contact the FTC, please visit www.ftc.gov/idtheft or call 1-877-ID-THEFT (1-877-438-4338). You may also contact the FTC at Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

Credit Reports: You may obtain a free copy of your credit report once every 12 months from each of the three national credit reporting agencies by visiting www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You can print a copy of the request form at <https://www.annualcreditreport.com/manualRequestForm.action>.

Alternatively, you may elect to purchase a copy of your credit report by contacting one of the three national credit reporting agencies. Contact information for the three national credit reporting agencies for the purpose of requesting a copy of your credit report or for general inquiries is as follows:

Equifax
1-866-349-5191
www.equifax.com
P.O. Box 740241
Atlanta, GA 30374

Experian
1-888-397-3742
www.experian.com
P.O. Box 2002
Allen, TX 75013

TransUnion
1-800-888-4213
www.transunion.com
P.O. Box 2000
Chester, PA 19016

Fraud Alerts: You may want to consider placing a fraud alert on your credit report. A fraud alert is free and will stay on your credit report for one (1) year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any new accounts in your name. To place a fraud alert on your credit report, contact any of the three national credit reporting agencies using the contact information listed above. Additional information is available at www.annualcreditreport.com.

Credit and Security Freezes: You may have the right to place a credit freeze, also known as a security freeze, on your credit file, so that no new credit can be opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. A credit freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a credit freeze, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a credit freeze may delay your ability to obtain credit. Unlike a fraud alert, you must separately place a credit freeze on your credit file at each credit reporting company. Since the instructions for how to establish a credit freeze differ from state to state, please contact the three major credit reporting companies as specified below to find out more information:

Equifax Security Freeze
1-888-298-0045
www.equifax.com
P.O. Box 105788
Atlanta, GA 30348

Experian Security Freeze
1-888-397-3742
www.experian.com
P.O. Box 9554
Allen, TX 75013

TransUnion Security Freeze
1-888-909-8872
www.transunion.com
P.O. Box 160
Woodlyn, PA 19094

Individuals interacting with credit reporting agencies have rights under the Fair Credit Reporting Act. We encourage you to review your rights under the Fair Credit Reporting Act by visiting https://files.consumerfinance.gov/f/documents/bcfp_consumer-rights-summary_2018-09.pdf, or by requesting information in writing from the Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

Maryland Residents: Maryland residents can contact the Office of the Attorney General to obtain information about steps you can take to avoid identity theft from the Maryland Attorney General's office at: Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202, (888) 743-0023, <http://www.marylandattorneygeneral.gov/>.

New York State Residents: New York residents can obtain information about preventing identity theft from the New York Attorney General's Office at: Office of the Attorney General for the State of New York, Bureau of Consumer Frauds & Protection, The Capitol, Albany, New York 12224-0341; <https://ag.ny.gov/consumer-frauds/identity-theft>; (800) 771-7755.

North Carolina Residents: North Carolina residents can obtain information about preventing identity theft from the North Carolina Attorney General's Office at: North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001; 877-5-NO-SCAM (Toll-free within North Carolina); 919-716-6000; www.ncdoj.gov.