

Morgan Lewis

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June 27, 2022

VIA EMAIL

Office of the Attorney General
Attn: Security Breach Notification
200 St. Paul Place, 25th Floor
Baltimore, MD 21202
Email: idtheft@oag.state.md.us

Re: Notice of Data Breach

Dear Sir or Madame:

On behalf of Guggenheim Partners LLC ("Guggenheim"), pursuant to Md. Code. Com. Law § 14-3501 *et seq.*, we are writing to notify you of an information security incident reported by its service provider MUFG Investor Services (US), LLC ("MUFG") involving 42 Maryland residents.

Parties Involved

Guggenheim engages in financial services and global asset management focusing on the return and risk needs of insurance companies, corporate and public pension funds, sovereign wealth funds, endowments and foundations, wealth managers, and high-net-worth investors. Guggenheim is located at 9401 Indian Creek Parkway, Suite 850, Overland Park, Kansas 66210.

MUFG serves as transfer agent to certain Guggenheim mutual funds. MUFG is located at 805 King Farm Boulevard, Suite 600, Rockville, MD 20850.

Nature of the Incident

On May 27, 2022, Guggenheim learned from MUFG that its own vendor, R.R. Donnelley & Sons Company ("RRD") suffered an intrusion on certain systems potentially impacting Guggenheim fund investors. The incident was first discovered by RRD in late December 2021. RRD took immediate action to isolate the attack and secure its systems. RRD also notified law enforcement. RRD's investigation determined that certain data files were accessible to the unauthorized third party for a period of time and exfiltrated from RRD's system. RRD subsequently performed an assessment of these data files and, on May 27, 2022, it notified MUFG that some of the affected files contained certain personal information pertaining to Maryland residents.

What Information was Involved?

RRD informed MUFG that the personal information potentially accessed includes name, address, social security number, and account number.

Response to the Incident

Based on information provided by RRD, after learning of the incident, RRD has continued to investigate the circumstances surrounding this attack and has taken steps to help mitigate any harm that might result from the disclosure, including implementing enhanced security measures to help further protect against this type

of incident going forward. RRD continues to monitor the dark web and has no indications of fraud or misuse of anyone's personal information as a result of this incident.

Upon notification, Guggenheim has worked closely with MUFG, through legal counsel, to determine the appropriate notification steps for affected individuals.

The affected Maryland residents were notified on or about June 24, 2022. A sample individual notification letter is attached.

Identity Theft Protection

At the direction of MUFG and on behalf of Guggenheim, RRD is providing complimentary identity protection services through Experian's® IdentityWorksSM for 24-months. This identity monitoring services include credit monitoring, up to \$1 million of identity theft insurance, and identity theft restoration. None of the notified individuals have been asked or required to waive any right of private action as a condition of accepting the credit monitoring services.

Contact Information

If you have any questions concerning this matter, please contact me on behalf of Guggenheim at (215) 963-5710, or ezra.church@morganlewis.com.

Best regards,

A handwritten signature in black ink, appearing to read "Ezra D. Church".

Ezra D. Church

Enclosure

Sample Individual Notification Letter



06/24/2022

Notice of Data Breach

Dear [REDACTED] :

We write to notify you of a data security incident that may have affected some of your personal information. We take the security of your information very seriously, and we apologize for any concern this incident may cause. Please review this letter carefully.

What Happened

We serve as the transfer agent to certain mutual funds in which you are or were invested. Our services to those funds are more fully described in the applicable fund's prospectus or statement of additional information. Our service provider, R.R. Donnelley & Sons Company ("RRD"), identified an intrusion on certain of its systems by an unauthorized third party. The incident was first discovered by RRD in late December 2021. RRD took immediate action to isolate the attack and secure its systems. RRD also notified law enforcement. RRD's investigation determined that certain data files were accessible to the unauthorized third party for a period of time and exfiltrated from RRD's system. RRD subsequently performed an assessment of these data files and, on May 27, 2022, it notified us that some of the affected files contained certain personal information pertaining to you.

What Information Was Involved

RRD determined that the affected personal information included some or all of the following items: your name, address, Social Security number, and account number. RRD continues to monitor the dark web and has no indications of fraud or misuse of anyone's personal information as a result of this incident.

What We Are Doing

RRD informed us that it has implemented enhanced security measures to help further protect against this type of incident going forward.

Although we have not been made aware of any actual instances of fraud or misuse relating to anyone's personal information, as a result of this incident, as an added precaution, you are being offered complimentary access to Experian's® IdentityWorksSM for 24 months, at no cost to you.

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

- Ensure that you **enroll by** 09/30/2022 (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll:
<https://www.experianidworks.com/credit>
- Provide your **activation code**: [REDACTED]

Additional details on the Experian IdentityWorksSM service are provided in the attached "Additional Resources."

What You Can Do

As always, we recommend that you remain vigilant for incidents of fraud and identity theft, including by regularly viewing your account statements and monitoring your credit reports. For more information on how you can help protect yourself, please review the enclosed "Additional Resources."

For More Information

If you have further questions or concerns, need assistance with identity restoration, or would like an alternative to enrolling for Experian's® IdentityWorksSM online, please contact Experian's customer care team at 877-890-9332 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) by 09/30/2022. Be prepared to provide your engagement number [REDACTED] as proof of eligibility for Experian services.

Sincerely,

MUFG Investor Services (US), LLC

Additional Resources

Additional Details Regarding Your 24-Month Experian IdentityWorks Membership

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 file 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.
- **\$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at 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 from the date of the incident (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 Identity Restoration is available to you for 24 months 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.

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 877-890-9332 by Date. Be prepared to provide engagement number [REDACTED] as proof of eligibility for the Identity Restoration services by Experian.



* 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 Resources

For residents of Iowa: You are advised to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon: You are advised to report any suspected identity theft to law enforcement, including the Attorney General, and the Federal Trade Commission.

For residents of New Mexico: You are advised to review personal account statements and credit reports, as applicable, to detect errors resulting from the security incident. You 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 https://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf or see the contact information for the Federal Trade Commission listed below.

For residents of District of Columbia, Maryland, New York, North Carolina, and Rhode Island:

You can obtain information from the District of Columbia, Maryland, North Carolina, New York, and Rhode Island Offices of the Attorney General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

DC Attorney General	Maryland Office of Attorney General	Rhode Island Office of Attorney General	North Carolina Attorney General	New York Attorney General
441 4th Street NW Washington, D.C. 20001 1-202-727-3400 www.oag.dc.gov	200 St. Paul Place Baltimore, MD 21202 1-888-743-0023 www.oag.state.md.us	150 South Main Street Providence RI 02903 1-401-274-4400 www.riag.ri.gov	9001 Mail Service Ctr Raleigh, NC 27699 1-877-566-7226 www.ncdoj.gov	120 Broadway 3rd Floor New York, NY 10271 1-800-771-7755 www.ag.ny.gov

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

Massachusetts and Rhode Island residents: You have the right to obtain a police report if you are a victim of identity theft.

For residents of all states:

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 www.annualcreditreport.com, 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 www.consumer.ftc.gov/articles/0155-free-credit-reports) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

Fraud Alerts: You can place fraud alerts with the three credit bureaus by phone and online with Equifax ([https://assets.equifax.com/assets/personal/Fraud Alert Request Form.pdf](https://assets.equifax.com/assets/personal/Fraud%20Alert%20Request%20Form.pdf)), Experian (www.experian.com/fraud/center.html) or Transunion (www.transunion.com/fraud-victim-resource/place-fraud-alert). 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. 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 for incidents of fraud and identity theft by reviewing payment card account statements and monitoring your credit reports for suspicious or unusual activity.

Security Freeze: You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans, and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to make a request to each consumer reporting agency by visiting their websites below or by mail. In order to place the security freeze for yourself, your spouse, or a minor under the age of 16, you will need to provide your name, address for the past two years, date of birth, Social Security number, proof of identity and proof of address as requested by the credit reporting company. After receiving your freeze request, each credit reporting company will send you a confirmation letter containing a unique PIN (personal identification number) or password, which will be required to lift the freeze, which you can do either temporarily or permanently. It is free to place, lift, or remove a security freeze.

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348-5788
www.experian.com/freeze/center.html
1-800-525-6285

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013-9544
www.experian.com/freeze/center.html
1-888-397-3742

TransUnion Security Freeze
P.O. Box 2000
Chester, PA 19016-2000
www.transunion.com/credit-freeze
1-800-680-7289