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August 31, 2022

***VIA EMAIL ONLY (Idtheft@oag.state.md.us)***

Brian E. Frosh
Office of the Maryland Attorney General
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, MD 21202

**Re: Vermont Nut Free Chocolates – Incident Notification**

Dear Attorney General Frosh:

McDonald Hopkins PLC represents Vermont Nut Free Chocolates (located at 146 Brentwood Drive, Colchester, VT 05446). I am writing to provide notification of an incident at Vermont Nut Free Chocolates' third-party vendor, Freestyle Solutions, that may affect the security of personal information of approximately seven hundred sixty-three (763) Maryland residents. Freestyle Solutions, the third-party vendor that experienced the incident, provided shopping cart and payment processing functionality to Vermont Nut Free Chocolates' website at the time of the incident. Freestyle Solutions' and Vermont Nut Free Chocolates' investigations into the incident are ongoing and this notification will be supplemented with any new or significant facts or findings subsequent to this submission, if any. By providing this notice, Vermont Nut Free Chocolates does not waive any rights or defenses regarding the applicability of Maryland law or personal jurisdiction.

In February 2022, Freestyle Solutions became aware of malware on one of its servers. At that time, Freestyle Solutions launched an investigation into the incident to remediate and contain the malware from its systems and to determine the full scope of the incident specific to each of its customers, including Vermont Nut Free Chocolates. On July 29, 2022, Freestyle Solutions informed Vermont Nut Free Chocolates that the data impacted by the incident contained personal information of Vermont Nut Free Chocolates' customers who made purchases via Vermont Nut Free Chocolates' website, https://www.vermontnutfree.com, between September 18, 2020 and February 3, 2022. Freestyle Solutions determined that, as a result of the incident, an unauthorized party may have acquired payment card information provided by Vermont Nut Free Chocolates' customers during this time period. Thereafter, Vermont Nut Free Chocolates conducted a thorough review to identify the individuals impacted in connection with the incident. The types of information involved included first and last name, payment card number, expiration date, security code, billing address, gift certificate number (if applicable), and transaction details (such as product type, price and quantity).

Vermont Nut Free Chocolates wanted to inform your office (and the affected residents) of the incident and explain the steps that it is taking to help safeguard the affected residents and protect their information. Vermont Nut Free Chocolates is providing the affected residents with written notification of this incident commencing on or about August 29, 2022, in substantially the same form as the letter attached hereto. Vermont Nut Free Chocolates is advising the affected residents about the process for placing fraud alerts and/or security freezes on their credit files and obtaining free credit reports. The affected residents are also being provided with the contact information for the consumer reporting agencies and the Federal Trade Commission.

Protecting the privacy of personal information is a top priority for Vermont Nut Free Chocolates. Upon learning of this issue, Vermont Nut Free Chocolates took steps to ensure Freestyle Solutions had contained the threat and disabled all unauthorized access. Freestyle Solutions also confirmed that it notified law enforcement authorities and has been coordinating with payment card companies in an effort to protect payment cardholders. Additionally, at the time Vermont Nut Free Chocolates learned of the incident at Freestyle Solutions, it was no longer using Freestyle Solutions to perform shopping cart and payment processing services for direct-to-consumer orders, however Vermont Nut Free Chocolates does continue to use Freestyle Solutions' services for processing whole sale orders and has been working with Freestyle Solutions to assure that it takes steps to prevent events like this in the future.

Should you have any questions regarding this notification, please contact me at (248) 220-1356 or dpaluzzi@mcdonaldhopkins.com. Thank you for your cooperation.

Sincerely,

Dominic A. Paluzzi

Encl.

[redacted]

146 Brentwood Drive
Colchester, VT 05446

[redacted]

August 29, 2022

Re: Notice of Data Security Incident

Dear [redacted]

The privacy and security of the personal information we maintain is of the utmost importance to Vermont Nut Free Chocolates. We're writing with important information regarding a recent data security incident at a third-party vendor for Vermont Nut Free Chocolates that involved some of your information. We want to provide you with information about the incident and let you know that we continue to take significant measures to protect your information.

**What Happened**

Freestyle Solutions, the third-party vendor that experienced the incident, provided shopping cart and payment processing functionality to Vermont Nut Free Chocolates' website at the time of the incident. Specifically, Freestyle Solutions became aware of malware on one of its servers. Freestyle Solutions quickly commenced an investigation and identified and removed the malware from its systems. Freestyle Solutions also retained data security experts to conduct an investigation into the incident's nature and scope and assist in the remediation and containment efforts.

Based on the results of the investigation, on July 29, 2022, Freestyle Solutions informed Vermont Nut Free Chocolates that the data impacted by the incident contained personal information of customers who made purchases via our website, https://www.vermontnutfree.com, between September 18, 2020 and February 3, 2022. Freestyle Solutions determined that, as a result of the incident, an unauthorized party may have acquired payment card information provided by our customers during this time period.

**What Information Was Involved**

The types of information included [redacted]

**What We Are Doing**

Upon learning of this issue, Freestyle Solutions took immediate steps to contain the threat by removing the malware and disabling all unauthorized access to the data. Freestyle Solutions also notified federal law enforcement authorities and has been coordinating with the payment card companies in an effort to protect affected cardholders. As part of our investigation, we have been working very closely with external cybersecurity professionals experienced in handling these types of incidents and we are working with Freestyle Solutions to assure that it takes steps to prevent events like this in the future.

**What You Can Do**

We strongly recommend that you remain vigilant, monitor and review all of your financial and account statements, and report any unusual activity to the payment card brand or the institution that issued the record, as well as law enforcement. In addition, please see "***OTHER IMPORTANT INFORMATION***" on the following pages for further guidance on the protection of personal information.

**For More Information**

Please accept our apologies that this event occurred. We understand that you may have questions about what happened beyond what is covered in this letter. If you have additional questions, please call the dedicated toll-free helpline set up specifically for this purpose at [redacted], [redacted]

Sincerely,

Mark Elvidge
President & CEO

## OTHER IMPORTANT INFORMATION

**Obtain and Monitor Your Credit Report.** We recommend that you obtain a free copy of your credit report from each of the three nationwide credit reporting agencies once every 12 months by visiting http://www.annualcreditreport.com, calling toll-free 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 access the request form at https://www.annualcreditreport.com/index.action. Alternatively, you can elect to purchase a copy of your credit report by contacting one of the three national credit reporting agencies. The three nationwide credit reporting agencies' contact information are provided below to request a copy of your credit report or general identified above inquiries.

| | | |
|---|---|---|
| ***Equifax***<br>P.O. Box 105069<br>Atlanta, GA 30348-5069<br>(800) 525-6285<br>https://www.equifax.com/personal/credit-report-services/credit-fraud-alerts/ | ***Experian***<br>P.O. Box 9554<br>Allen, TX 75013<br>(888) 397-3742<br>https://www.experian.com/fraud/center.html | ***TransUnion***<br>Fraud Victim Assistance Department<br>P.O. Box 2000<br>Chester, PA 19016-2000<br>(800) 680-7289<br>https://www.transunion.com/fraud-alerts |

**Security Freeze (also known as a Credit Freeze).** Following is general information about how to request a security freeze from the three credit reporting agencies. While we believe this information is accurate, you should contact each agency for the most accurate and up-to-date information. 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. In addition, in some states, the agency cannot charge you to place, lift or remove a security freeze. There might be additional information required, and as such, to find out more information, please contact the three nationwide credit reporting agencies (contact information provided below).

| | | |
|---|---|---|
| ***Equifax Security Freeze***<br>P.O. Box 105788<br>Atlanta, GA 30348-5788<br>(888)-298-0045<br>https://www.equifax.com/personal/credit-report-services/credit-freeze/ | ***Experian Security Freeze***<br>P.O. Box 9554<br>Allen, TX 75013<br>(888) 397-3742<br>http://experian.com/freeze | ***TransUnion Security Freeze***<br>P.O. Box 160<br>Woodlyn, PA 19094<br>(888) 909-8872<br>https://www.transunion.com/credit-freeze |

**Consider Placing a Fraud Alert on Your Credit Report.** You may want to consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least twelve months. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you before establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three nationwide credit reporting agencies identified above. Additional information is available at https://www.equifax.com/personal/credit-report-services/credit-fraud-alerts/

**Remain Vigilant, Review Your Account Statements and Notify Law Enforcement of Suspicious Activity.** As a precautionary measure, we recommend that you remain vigilant by closely reviewing your account statements and credit reports. If you detect any suspicious activity on an account, we strongly advise that you promptly notify the financial institution or company that maintains the account. Further, you should promptly report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, including your state attorney general and the Federal Trade Commission (FTC). To file a complaint or to contact the FTC, you can (1) send a letter to the *Federal Trade Commission*, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580; (2) go to IdentityTheft.gov/databreach; or (3) call 1-877-ID-THEFT (877-438-4338). Complaints filed with the FTC will be added to the FTC's Identity Theft Data Clearinghouse, a database made available to law enforcement agencies.

**Take Advantage of Additional Free Resources on Identity Theft.** We recommend that you review the tips provided by the Federal Trade Commission's Consumer Information website, a valuable resource with some helpful tips on how to protect your information. Additional information is available at https://www.consumer.ftc.gov/topics/privacy-identity-online-security. For more information, please visit IdentityTheft.gov or call 1-877-ID-THEFT (877-438-4338). In addition, a copy of Identity Theft – A Recovery Plan, a comprehensive guide from the FTC to help you guard against and deal with identity theft, can be found on the FTC's website at https://www.consumer.ftc.gov/.

**Iowa Residents**: You may contact law enforcement or the Iowa Attorney General's Office to report suspected incidents of identity Theft: Office of the Attorney General of Iowa, Consumer Protection Division, Hoover State Office Building, 1305 East Walnut Street, Des Moines, IA 50319, www.iowaattorneygeneral.gov, Telephone: 515-281-5164.

**Maryland Residents**: You may obtain information about avoiding identity theft from the Maryland Attorney General's Office: Office of the Attorney General of Maryland, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, www.oag.state.md.us/Consumer, Telephone: 888-743-0023.

**New York Residents:** You may obtain information about preventing identity theft from the New York Attorney General's Office: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; https://ag.ny.gov/consumer-frauds-bureau/identity-theft; Telephone: 800-771-7755.

**North Carolina Residents**: You may obtain information about preventing identity theft from the North Carolina Attorney General's Office: Office of the Attorney General of North Carolina, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, www.ncdoj.gov/, Telephone: 877-566-7226.

**Oregon Residents**: You may obtain information about preventing identity theft from the Oregon Attorney General's Office: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, www.doj.state.or.us/, Telephone: 877-877-9392

**Washington D.C. Residents**: You may obtain information about preventing identity theft from the Office of the Attorney General for the District of Columbia, 400 6th Street NW, Washington D.C. 20001, https://oag.dc.gov/consumer-protection, Telephone: 202-442-9828.

**New Mexico Residents**: 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 www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf or www.ftc.gov.

*In Addition, New Mexico Consumers Have the Right to*

*Obtain a Security Freeze or Submit a Declaration of Removal*

As noted above, you may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password, or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:

1. The unique personal identification number, password, or similar device provided by the consumer reporting agency;
2. Proper identification to verify your identity; and
3. Information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.

A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control, or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

If you are actively seeking a new credit, loan, utility, telephone, or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying. As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.

To place a security freeze on your credit report, you must send a request to each of the three major consumer reporting agencies: Equifax, Experian, and TransUnion. You may contact these agencies using the contact information provided above.

**Rhode Island Residents**: You may contact law enforcement, such as the Rhode Island Attorney General's Office, to report incidents of identity theft or to learn about steps you can take to protect yourself from identity theft. You can contact the Rhode Island Attorney General at: Rhode Island Office of the Attorney General, 150 South Main Street, Providence, RI 02903, www.riag.ri.gov, 401-274-4400.

As noted above, you may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a "security freeze" on your credit report pursuant to chapter 48 of title 6 of the Identity Theft Prevention Act of 2006.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit report, within five (5) business days you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report for a specific period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

1. The unique personal identification number or password provided by the consumer reporting agency.
2. Proper identification to verify your identity.
3. The proper information regarding the period of time for which the report shall be available to users of the credit report.

A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report shall comply with the request no later than three (3) business days after receiving the request.

A security freeze does not apply to circumstances where you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of an account review, collection, fraud control, or similar activities.

If you are actively seeking a new credit, loan, utility, telephone, or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze -- either completely, if you are shopping around, or specifically for a certain creditor -- with enough advance notice before you apply for new credit for the lifting to take effect.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

To place a security freeze on your credit report, you must send a request to each of the three major consumer reporting agencies: Equifax, Experian, and TransUnion. These agencies can be contacted using the contact information provided above.

In order to request a security freeze, you may need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Complete address;
5. Prior addresses;
6. Proof(s) of identification (state driver's license or ID card, military identification, birth certificate, etc.);
7. If you are a victim of identity theft, a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

There were 236 Rhode Island residents impacted by this incident.