NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW

106 S. President St., Suite 400
Jackson, MS 39201
M: 404.322.6000 F: 404.322.6050
nelsonmullins.com

Blythe K. Lollar
T: (601) 937-9925
blythe.lollar@nelsonmullins.com

September 2, 2022

Attorney General Brian E. Frosh
200 St. Paul Place
Baltimore MD 21202
idtheft@oag.state.md.us

Re: *Sakai America Inc. - Notice of Data Incident*

Dear Attorney General Frosh:

I serve as outside legal counsel to Sakai America Inc. ("Sakai America"), which is a business located at 90 International Parkway, Adairsville, GA 30103.[1]

This correspondence is to notify you of a recent data security incident at Sakai America that caused temporary disruption to portions of our information technology network. Sakai America immediately took steps to address the situation and law enforcement has been notified of the incident. Passwords were promptly changed, and the unauthorized access was blocked.

Sakai America also engaged third-party forensic experts to investigate and remediate this incident. Findings from the investigation indicate that an unauthorized third party obtained some data from certain Sakai America systems during the incident. Sakai America conducted a thorough investigation to determine whether sensitive information may have been affected as a result of this incident and to identify individuals whose information may have been involved. Through these efforts, Sakai America determined that information regarding one (1) resident of your State may have been impacted by this incident.

In an abundance of caution, a notification letter was sent via U.S. Mail to one (1) resident of your State on or about August 31, 2022. The notification letter included instructions for activating credit monitoring services at no cost to the recipient. The PII that was

[1] By providing this notice, Sakai does not waive any rights or defenses regarding the applicability of Maryland law, the applicability of the Maryland data event notification statute, or personal jurisdiction.

potentially at risk included first and last names, address, and Social Security number. A sample notification letter is enclosed for your reference and includes:

- A description of the security event;
- Steps taken to investigate;
- Steps taken to mitigate any potential harm to consumers;
- Instructions for activating free identity theft protection services that include credit monitoring and a $1 million insurance reimbursement policy to all consumers who received notification;
- Instructions on how to place a security freeze on the recipient's consumer credit report; and
- Instructions regarding how to obtain more information about this event, etc.

Sakai America is fully committed to protecting consumer privacy and the confidentiality of personal information. To that end, Sakai America has a written information security policy. We will follow-up this correspondence with any forms or other documents that may need to be completed. Please contact me if you require any additional information regarding this incident.

Best regards,

Blythe Lollar

Blythe K. Lollar

Enclosure:
Sample Notification Letter

Sakai America Inc.
Mail Handling Services
777 E Park Dr
Harrisburg, PA 17111

SAKAI
MASTERS OF COMPACTION

[redacted]

A-1

RE: Notice of Potential Data Breach

August 29, 2022

Dear [redacted],

We are writing to notify you of a recent incident that may have affected some of your personal information.

What Happened: On or about January 26, 2022, Sakai America, Inc. ("Sakai America") experienced a data security incident that caused temporary disruption to portions of our information technology network. We immediately investigated and aggressively responded to this incident. Passwords were changed, and the unauthorized access was blocked. Law enforcement was also notified, and outside technical experts were engaged to investigate the full nature and scope of the incident.

What Information Was Involved: During the course of our investigation, we learned that an unauthorized third party gained access to certain portions of our IT environment. Additionally, suspicious activity was identified in connection with this incident that appears to indicate possible access or potential exfiltration by unauthorized third part(ies) of certain limited files that may have contained some of your personal information, such as your name, address, and Social Security number. **To date, Sakai America is unaware of any actual or attempted misuse of your information as a result of this incident but is notifying you out of an abundance of caution.**

What Are We Doing and What Can You Do: Information privacy and security are among our highest priorities. We have security measures in place to protect information in our custody. Upon learning of this incident, we moved quickly to change passwords and block the unauthorized access. We also conducted a thorough investigation with the assistance of third-party forensic specialists and took additional measures to ensure the security of our network. Please note that while our investigation has not identified any actual or attempted misuse of your information, we are notifying you so that you may take further steps to best protect your personal information, should you feel it appropriate to do so.

As part of our ongoing commitment to information security, and for your peace of mind, we are also offering you one year of **free** credit monitoring and $1 million in identity theft insurance through Experian. **You must activate the Experian product by the activation date for it to be effective. The activation instructions are included with this notification.** We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements and explanation of benefits forms, and to monitor your free credit reports for suspicious activity and to detect errors. We have also included some additional steps that you can take to protect yourself, as you deem appropriate.

For more information about this incident, please call 844-582-5076 between 8:00 a.m. - 5:00 p.m., Eastern Time, Monday - Friday (excluding major U.S. holidays). We take information privacy and security issues very seriously and are continuing to take steps to enhance security measures to help reduce the risk of something like this happening in the future. We are fully committed to protecting your personal information and sincerely apologize for any concern this incident may have caused.

Sincerely,

Yasunori Azumi

Yasunori Azumi
President

STEPS YOU CAN TAKE:

ACTIVATE Your FREE Experian IdentityWorks Product NOW in Three Easy Steps. To help protect your identity, we are offering you a **complimentary one (1) year membership** of Experian's IdentityWorks product. This product helps detect possible future misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft. IdentityWorks Alert is completely free to you and enrolling in this program will not hurt your credit score.

1. **ENSURE You Enroll By**: **11/15/2022 (Your code will not work after this date.)**
2. **VISIT** the **Experian IdentityWorks website** to enroll: **https://www.experianidworks.com/3bcredit**
3. **PROVIDE Your Activation Code**: [redacted]
4. If you have questions about the IdentityWorks or need an alternative to enrolling online, **please call 877-288-8057** and provide engagement [redacted]**.** A credit card is not required for enrollment. Once your IdentityWorks membership is activated, you will receive the following features:

- **Experian Credit Report at Signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.[1]

- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.

- **Identity Restoration:** Restoration Agents are immediately available to help address credit/non-credit related fraud.

- **$1 Million Identity Theft Insurance:**[2] Provides coverage for certain costs and unauthorized electronic fund transfers.

You must activate your membership by the Enrollment Date (noted above) by enrolling at https://www.experianidworks.com/3bcredit or calling 877-288-8057 to register your activation code above in order for this service to be activated. Once your enrollment in IdentityWorks is complete, carefully review your credit report for inaccurate or suspicious items. 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 team at 877-288-8057.

Additional Steps You May Wish to Take:

➢ **REMAIN VIGILANT: REVIEW YOUR ACCOUNT STATEMENTS & REPORT FRAUD. CHANGE PASSWORDS AND SECURITY VERIFICATION QUESTIONS & ANSWERS.** Carefully review your credit reports, debit/credit card, insurance policy, bank account and other account statements. Activate alerts on your bank accounts to notify you of suspicious activity, changing passwords/security verifications as needed – particularly if same password is used over multiple online accounts. If your medical information was involved, it is also advisable to review the billing statements you receive from your healthcare providers. Report suspicious or fraudulent charges to your insurance statements, provider billing statements, credit report, credit card or bank accounts to your insurance company, bank/credit card vendor, healthcare provider and law enforcement, including FTC and/or your State Attorney General.

➢ **ORDER YOUR FREE ANNUAL CREDIT REPORTS.** Visit www.annualcreditreport.com or call 877-322-8228 to obtain one free copy of your credit report annually. Periodically review a copy of your credit report for discrepancies and identify any accounts you did not open or inquiries you did not authorize.

➢ **FREEZE YOUR CREDIT FILE.** You have a right to place a 'security freeze' on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

---

[1] Offline members will be eligible to call for additional reports quarterly after enrolling.

[2] Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

Note that a security freeze generally does not apply to existing account relationships and when a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities. There is no charge to place or lift a security freeze. To place a security freeze on your credit report, contact each of the 3 major consumer reporting agencies -

3 MAJOR CREDIT BUREAUS / CONSUMER REPORTING AGENCIES		
Equifax **P.O. Box 105788 Atlanta, GA 30348** **1-800-525-6285** **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 19022** **1-800-680-7289** **www.transunion.com**

To request a freeze, you will need to provide the following:

- Your full name (including middle initial as well as Jr., Sr., II, III, etc.), Social Security Number, and Date of birth; and
- If you have moved in the past five (5) years, the addresses where you have lived over the prior five years;
- Proof of current address such as a current utility bill or telephone bill;
- A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)
- 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 security freeze via toll-free telephone or other secure electronic means, the credit reporting agencies have 1 business day after receiving the request to place the freeze. In the case of a request made by mail, the bureaus have 3 business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within 5 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 security freeze to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) and the PIN number or password provided to you when you placed the security freeze as well as 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. The credit reporting agencies have 3 business days after receiving a request to lift the security freeze for those identified entities or for the specified period of time. To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) and the PIN number or password provided to you when you placed the security freeze. The credit bureaus have 3 business days after receiving the request to remove the freeze.

➢ **PLACE FRAUD ALERTS ON YOUR CREDIT FILE.** As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is an alert lasting 7 years. Contact the credit reporting agencies listed above to activate an alert.

➢ **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT FROM FTC.** You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting the consumer reporting agencies or the Federal Trade Commission. Go to http://www.experian.com/credit-advice/topic-fraud-and-identity-theft.html. Federal Trade Commission also provides information at www.ftc.gov/idtheft FTC hotline is 877-438-4338; TTY: 1-866-653-4261 or write to FTC, 600 Pennsylvania Ave., NW, Washington, D.C. 20580.

➢ **POLICE REPORT:** You have a right to a police report about this incident (if any exists). If you're an identity theft victim, you have the right to file a police report and obtain a copy of it. Notification of this incident has not been delayed as a result of a law enforcement investigation.

➢ **FILE YOUR TAXES QUICKLY AND SUBMIT IRS FORM 14039.** If you believe you are at risk for taxpayer refund fraud, the IRS suggests you file your income taxes quickly. Additionally, if you are an actual or potential victim of identity theft, the IRS suggests you give them notice by submitting IRS Form 14039 (Identity Theft Affidavit). This form will allow the IRS to flag your taxpayer account to alert them of any suspicious activity. Form 14039 may be found at https://www.irs.gov/pub/irs-pdf/f14039.pdf.

➢ **FAIR CREDIT REPORTING ACT:** You also have rights under the federal Fair Credit Reporting Act, which promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. The FTC has published a list of the primary rights created by the FCRA (https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf), and that article refers individuals seeking more information to visit www.ftc.gov/credit. The FTC's list includes the following FCRA rights: (1) To receive a copy of your credit report, which must contain all the information in your file at the time of your request; (2) To receive a free copy of your credit report, at your request, once every 12 months from each of the nationwide credit reporting companies – Equifax, Experian, and TransUnion; (3) To receive a free credit report if a company takes adverse action against you (e.g. denying your application for credit, insurance, or employment), and you ask for your report within 60 days of receiving notice of the action. The notice will give you the name, address, and phone number of the credit reporting company. You are also entitled to one free report a year if you're unemployed and plan to look for a job within 60 days; if you are on welfare; or if your report is inaccurate because of fraud, including identity theft; (4) To ask for a credit score; (5) To dispute incomplete or inaccurate information; (6) To obtain corrections to your report or delete inaccurate, incomplete, or unverifiable information; (7) Consumer reporting agencies may not report outdated negative information; (8) To restrict access to your file and to require consent from you for reports to be provided to employer; (9) To limit "prescreened" offers of credit and insurance you receive based on information in your credit report; and (10) To seek damages from violators. Note - Identity theft victims and active-duty military personnel have additional rights.

➢ **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT FROM YOUR STATE ATTORNEY GENERAL.**

- *Maryland: You may contact and obtain information from your state attorney general at: Maryland Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202, 1-410-528-8662; www.oag.state.md.us Consumer Hotline1-410-528-8662, or consumer@oag.state.md.us.*
- *North Carolina: You may contact and obtain information from your state attorney general at: North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699, 1-919-716-6000/ 1-877-566-7226, www.ncdoj.gov*