



MULLEN
COUGHLIN_{LLC}
ATTORNEYS AT LAW

Angelina W. Freind
Office: (267) 930-4782
Fax: (267) 930-4771
Email: afreind@mullen.law

426 W. Lancaster Avenue, Suite 200
Devon, PA 19333

December 1, 2022

VIA E-MAIL

Office of the Attorney General
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, MD 21202
E-mail: idtheft@oag.state.md.us

Re: Notice of Data Event

Dear Sir or Madam:

We represent DataPath, Inc. (“DataPath”), located at 1601 Westpark Drive, Suite 9, Little Rock, AR 72204, and are writing to notify your office of an event that may affect the security of certain personal information relating to four (4) Maryland residents. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, DataPath 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.

Nature of the Data Event

On December 15, 2021, DataPath discovered unusual activity on its computer network. DataPath immediately launched an investigation, with the assistance of third-party cybersecurity specialists, to determine the nature and scope of the event, while also working with DataPath’s internal team to restore DataPath’s systems in a safe and secure manner. The investigation determined that on or before December 15, 2021, an unauthorized party gained access to certain DataPath systems and may have accessed or acquired a limited amount of data contained within certain segments of its network.

Accordingly, DataPath conducted a thorough and time-consuming review of the data to confirm the types of information potentially affected by this event and identify the individuals to whom that information related. DataPath completed this analysis on October 18, 2022 and then worked as quickly as possible to confirm address information for potentially affected individuals and notify relevant third-party business partners, where required. This process was completed on or about

November 11, 2022. DataPath then moved quickly to effectuate notification to potentially impacted individuals. The personal information related to Maryland residents that was potentially affected by this event includes the following: name, address, date of birth, Social Security number, and financial account information.

Notice to Maryland Residents

On December 1, 2022, DataPath provided direct written notice of this event to potentially affected individuals, which includes approximately four (4) Maryland residents. Written notice is being provided in substantially the same form as the letter attached here as ***Exhibit A***.

Other Steps Taken and To Be Taken

Upon discovering the unusual activity in its computer network, DataPath moved quickly to investigate and respond to the event, assess the security of DataPath's systems, and identify potentially affected individuals. DataPath also promptly notified federal law enforcement regarding the event.

Additionally, DataPath is working to implement additional safeguards and training to its employees. DataPath is also providing potentially affected individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. DataPath is providing potentially affected individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud. DataPath is also providing access to credit monitoring services for twelve (12) months, through Experian, to Maryland residents whose personal information was potentially affected by this event, at no cost to these individuals.

DataPath is also providing written notice of this event to relevant state regulators, as necessary, and to the three major credit reporting agencies, Equifax, Experian, and TransUnion.

Office of the Attorney General
December 1, 2022
Page 3

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4782.

Very truly yours,

Angelina W. Freind of
MULLEN COUGHLIN LLC

AWF/aml
Enclosure

EXHIBIT A

Return Mail Processing
PO Box 589
Claysburg, PA 16625-0589



i6739-L01-0000001 T00001 P001 *****SCH 5-DIGIT 12345

SAMPLE A SAMPLE - L01 INDIVIDUAL

APT ABC

123 ANY STREET

ANYTOWN, ST 12345-6789



December 1, 2022

NOTICE OF [Extra2]

Dear Sample A. Sample:

DataPath, Inc. (“DataPath”) is writing to inform you of an event that may impact the security of some of your information. This notice provides information about the event, our response, and resources available to you to help protect your information from possible misuse, should you feel it is appropriate to do so.

Who is DataPath? DataPath is a third-party administrative services provider. This means that DataPath administers certain types of accounts, including health savings accounts (“HSA”), on behalf of its business partners. You are receiving this notice because you currently have or may have previously had an HSA that was administered by DataPath, and a limited amount of personal information provided to DataPath for purposes of administering your account was potentially impacted by this event.

What Happened? On December 15, 2021, DataPath discovered unusual activity on its computer network. We immediately launched an investigation with the assistance of third-party cybersecurity specialists, which determined on or before December 15, 2021, an unauthorized party gained access to certain DataPath systems and may have accessed or acquired a limited amount of data contained within certain segments of its network. Accordingly, we conducted a thorough and time-consuming review of the data to confirm the types of information potentially impacted by this event and identify the individuals to whom that information related. We recently completed this review. Although we have no evidence of any actual or attempted identity theft or fraud of your information as a result of this event, we are notifying you in an abundance of caution.

What Information Was Involved? The investigation determined that your name, address, [Extra1] may have been impacted. DataPath maintained your information in connection with the services it provides to National Advisors Trust of South Dakota, a third-party banking partner who currently serves or previously served as a custodian for your HSA account.



ENGAGE#

0000001



i6739-L01

What We Are Doing. The confidentiality, privacy, and security of information in our care are among our highest priorities. Upon learning of the event, we moved quickly to investigate and respond to the event, assess the security of our systems, and notify federal law enforcement and potentially affected individuals. We are notifying potentially affected individuals, including you, so that you may take further steps to best protect your information, should you feel it is appropriate to do so. We sincerely regret any inconvenience or concern this event may cause. As an added precaution, we are offering credit monitoring and identity restoration services through Experian, for [Extra5] months, at no cost to you.

What You Can Do. We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and credit reports for suspicious activity and to report any suspicious activity promptly to your bank or financial institution. Additional information and resources are included in the enclosed *Steps You Can Take To Protect Personal Information*. You may also enroll in the complimentary credit monitoring services available to you. Enrollment instructions are attached to this letter.

For More Information. We understand you may have questions about this event that are not addressed in this letter. If you have additional questions, please call the dedicated assistance line at **(855) 347-6549**, 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). Please be prepared to provide your engagement number **ENGAGE#**. Again, we take the privacy and security of information in our care very seriously, and sincerely regret any inconvenience or concern this event may cause you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Robbins", with a stylized flourish at the end.

John J. Robbins, Jr.
President and CEO
DataPath, Inc.

STEPS YOU CAN TAKE TO PROTECT PERSONAL INFORMATION

Enroll in Credit Monitoring

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for [Extra5] months.

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. 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 [Extra5] 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.

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary [Extra5]-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by February 28, 2023** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: www.experianidworks.com/credit
- Provide your **activation code: ABCDEFGHI**

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 (855) 347-6549 by February 28, 2023. Be prepared to provide engagement number ENGAGE# as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR [Extra5]-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.¹
- **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 Insurance²:** Provides coverage for certain costs and unauthorized electronic fund transfers.

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

² 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.



Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended “fraud alert” on a 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 a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit 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 credit 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. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a credit freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver’s license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
888-298-0045	1-888-397-3742	833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected

identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and www.oag.state.md.us. DataPath, Inc. is located at 1601 Westpark Drive, Suite 9, Little Rock, AR 72204.

For New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.



