



MULLEN
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January 30, 2023

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

To Whom It May Concern:

We represent BerganKDV LTD (“BerganKDV”) located at 417 First Avenue, Suite 300, Cedar Rapids, IA 52401, and are writing to notify your office of an incident that may affect the security of certain personal information relating to three (3) Maryland residents. BerganKDV received the information in connection with services rendered on behalf of Hirsh Industries. The investigation into this matter is ongoing, and this notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, BerganKDV 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 or about May 25, 2022, BerganKDV discovered suspicious activity on its network. BerganKDV immediately took steps to secure the network and launched an investigation with the assistance of third-party computer specialists to determine the nature and scope of the activity. The investigation determined that certain files on BerganKDV’s systems were subject to unauthorized access and/or acquisition between May 6, 2022, and May 25, 2022. As a result, and in an abundance of caution, BerganKDV conducted a diligent and comprehensive review of impacted files to determine what information was potentially subject to unauthorized access and/or acquisition. BerganKDV then worked to identify contact information for the impacted individuals. That process completed on November 23, 2022. Through this process, BerganKDV determined that certain information related to certain individuals was contained on its network at the time of this incident and may have been impacted.

The information that could have been subject to unauthorized access includes name and Social Security number.

Notice to Maryland Residents

On or about January 30, 2023, BerganKDV began providing written notice of this incident to three (3) Maryland residents. Written notice is being provided in substantially the same form as the letter attached here as **Exhibit A**. Below is an approximate breakdown of residents associated with each entity:

- Hirsh Industries, three (3) Maryland residents

Other Steps Taken and To Be Taken

Upon discovering the event, BerganKDV moved quickly to investigate and respond, assess the security of BerganKDV systems, and identify potentially affected individuals. Further, BerganKDV notified federal law enforcement regarding the event. BerganKDV is also working to implement additional safeguards and training to its employees. BerganKDV is providing access to credit monitoring services for twelve months, through IDX, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, BerganKDV is providing impacted individuals with guidance on how to better protect against identity theft and fraud. BerganKDV is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, 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.

BerganKDV is providing written notice of this incident to relevant state regulators, as necessary.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-1613.

Very truly yours,

Katie Butler of
MULLEN COUGHLIN LLC

KLB/jlm
Enclosure

EXHIBIT A

BerganKDV
10300 SW Greenburg Rd. Suite 570
Portland, OR 97223

bergankdv

To Enroll, Please Call:
1-800-939-4170
Or Visit:
[https://app.idx.us/account-
creation/protect](https://app.idx.us/account-creation/protect)
Enrollment Code:

<<XXXXXXXX>>

<<First Name>> <<Last Name>>
<<Address 1>>
<<Address 2>>
<<City>>, <<State>> <<Zip>>

January 30, 2023

NOTICE OF <<SECURITY INCIDENT>> / [DATA BREACH]>>

Dear <<First Name>> <<Last Name>>:

BerganKDV is writing to inform you of an incident that may affect the privacy of some of your information. We are providing you with information about the incident, our ongoing response, and resources available to you to help protect your information, should you feel it is appropriate to do so. BerganKDV received your information in connection with services performed on behalf of <<Data Owner>>.

What Happened? On May 25, 2022, BerganKDV discovered suspicious activity on its network. We immediately took steps to secure the network and launched an investigation with the assistance of third-party computer specialists to determine the nature and scope of the activity. The investigation determined that certain files on BerganKDV's systems were subject to unauthorized access and/or acquisition between May 6, 2022, and May 25, 2022. As a result, and in an abundance of caution, we conducted a diligent and comprehensive review of impacted files to determine what information was potentially subject to unauthorized access and/or acquisition. On November 23, 2022, we confirmed that the files contained certain information related to you.

What Information Was Involved? The investigation determined that your name and <<impacted data elements>> may have been accessed and/or acquired by an unauthorized individual. We have no indication that your information was subject to actual or attempted misuse as a result of this incident.

What We Are Doing. We take this incident and the security of personal information in our care very seriously. Upon learning of this incident, we moved quickly to investigate and respond, assess the security of our systems, and notify potentially affected individuals. As part of our ongoing commitment to the security of information, we are reviewing and enhancing existing policies and procedures to reduce the likelihood of a similar future incident. We also notified <<Data Owner>> regarding the incident, and our investigation and response. We also promptly reported this incident to law enforcement and will continue to cooperate with any investigation. We are also notifying state regulators, as required.

As an added precaution, we are also offering you complimentary access to <<enrollment length>> of credit monitoring and identity theft restoration services through IDX. We encourage you to activate these services as we are not able to act on your behalf to activate them for you. Please review the instructions contained in the attached *Steps You Can Take to Help Protect Your Information* for additional information on these services.

What You Can Do. We encourage you to remain vigilant against identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity and to detect errors. You can find out more about how to protect your information in the enclosed *Steps You Can Take to Help Protect Your Information*. There you will also find more information on the credit monitoring services we are offering and how to enroll.

For More Information. If you have additional questions or need assistance, please call us at 1-800-939-4170 Monday through Friday between the hours of 9 a.m. to 9 p.m. Eastern Time, excluding U.S. holidays.

We take this incident very seriously and sincerely regret any inconvenience or concern this incident caused you.

Sincerely,

BerganKDV

STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

Enroll in Credit Monitoring

1. Website and Enrollment. Go to <https://app.idx.us/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter. Please note the deadline to enroll is April 30, 2023.
2. Activate the credit monitoring provided as part of your IDX identity protection membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, IDX will be able to assist you.
3. Telephone. Contact IDX at 1-800-939-4170 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.

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, 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 one-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	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; 877-ID-THEFT (877-438-4338); and TTY: 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; 410-528-8662 or 888-743-0023; and www.oag.state.md.us. Bergan is located at 417 First Avenue, Suite 300, Cedar Rapids, IA 52401.

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