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LATHAM & WATKINS LLP

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April 13, 2023

VIA EMAIL

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

Re: **Notice of Data Security Incident Relating to Maryland Residents**

Dear Attorney General Brown:

On or around February 8, 2023, Kimco Realty Corporation (“Kimco”) experienced a ransomware attack that resulted in unauthorized access to a legacy network related to Weingarten Realty Investors (“WRI”). WRI is now operated by Kimco following a merger in August 2021. Upon discovery, Kimco took steps to lock down impacted systems, notified federal law enforcement authorities, and engaged digital forensic experts to determine what happened and what information was exposed.

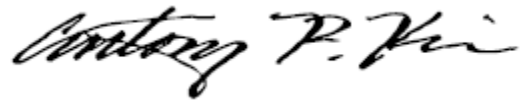
On March 10, 2023, Kimco determined that the impacted systems contained personal information of approximately 3 residents of Maryland. While the specific data elements vary by individual, the exposed personal information generally includes names, addresses, date of births, Social Security Numbers, government identification numbers, medical information, health insurance information, and financial account information. Notification letters are being sent to residents starting April 14, 2023, together with an offer for two years of complimentary credit monitoring and identity theft protection services provided by IDX (see Appendix A).

As part of its ongoing operations and in response to this incident, Kimco has deployed advanced security tooling across its network and engaged in tactical security hardening activities, as well as dark web monitoring. Kimco is also reviewing its security policies and procedures and identifying opportunities for enhancement.

If your office requires any further information in regards to this matter, please contact me at (202) 637-3394 or tony.kim@lw.com.

LATHAM & WATKINS^{LLP}

Respectfully submitted,

A handwritten signature in black ink, reading "Antony P. Kim". The signature is written in a cursive, flowing style.

Antony Kim
of LATHAM & WATKINS LLP

Enclosure

Appendix A



KIMCOTM
REALTY

145 SW Watson Ave
Suite 400
Beaverton, OR 97005

To Enroll, Please Call:

1-833-903-3648

Or Visit:

[https://app.idx.us/account-
creation/protect](https://app.idx.us/account-creation/protect)

Enrollment Code:

<<XXXXXXXX>>

<<First Name>> <<Last Name>>

<<Address1>> <<Address2>>

<<City>>, <<State>> <<Zip>>

April 14, 2023

Re: Notice of Data Breach

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

We are writing to provide notice of a recent security incident relating to a legacy Weingarten Realty Investors (“WRI”) information technology network now operated by Kimco Realty Corporation (“Kimco”), following the August 2021 merger with WRI.

On or about February 8, 2023, an unauthorized party carried out a successful cyberattack on certain WRI file servers and other IT infrastructure, including the removal of human resources and other corporate information from the legacy WRI environment. The attack did not involve Kimco’s network, human resources, or other files.

We are now writing to confirm that personal information of former WRI employees, their beneficiaries, and select other individuals with a prior WRI commercial relationship was compromised in the attack, according to a detailed review.

What Happened? Upon discovery of the incident in early February 2023, we took steps to lock down and restore the impacted WRI system, notified federal law enforcement authorities, and worked with leading digital forensics and restoration teams to investigate relevant details from the incident. Once the incident was contained, we initiated a detailed review, with the assistance of outside specialists, to identify the personal information belonging to individuals that was present in the files the threat actor removed from the WRI network. This work is now complete.

What Information is Involved? We are notifying you because you were either (i) a former employee of WRI; (ii) a beneficiary affiliated with a former WRI employee; or (iii) someone who had a commercial relationship with WRI prior to its 2021 merger with Kimco. The information impacted by the recent security incident varies according to your status:

Former WRI Employees

- Birth date
- Social Security Number
- Health Insurance other benefit plan (i.e., pension) information
- Direct deposit information (bank and routing information)
- Driver’s license number (i.e., for individuals authorized to drive WRI fleet vehicles)

Beneficiaries of Former WRI Employees

- Birth date
- Social Security Number
- Health Insurance or other benefit plan (i.e., pension) information

Former Commercial Relationship with WRI

- Birth Date
- Social Security Number
- Driver's license number

What Are We Doing? We are happy to provide complimentary 24-month identity theft protection services through IDX, a data breach and recovery services expert. IDX identity protection services include: 24-months of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identity theft recovery services. With this protection, IDX will help you resolve issues if your identity is compromised.

We encourage you to contact IDX with any questions and to enroll in the free identity protection services by calling 1-833-903-3648 or going to <https://app.idx.us/account-creation/protect> and using the Enrollment Code provided above. IDX representatives are available Monday through Friday from 9 am - 9 pm Eastern Time. Please note the deadline to enroll is July 14, 2023.

What You Can Do. It is always good practice to be vigilant and regularly monitor consumer credit reports and financial transactions for any suspicious activity. You are entitled under U.S. law to one free credit report annually from each of the three nationwide consumer reporting agencies. To order your free credit report, visit www.annualcreditreport.com or call toll-free at 1-877-322-8228. The U.S. Federal Trade Commission provides further guidance on steps you can take to protect your personal information, which you can access online at <https://www.identitytheft.gov>. Additional information on steps that you can take to protect your identity is attached to this letter. We encourage you to review these steps and to take appropriate action to prevent any misuse of your information.

For More Information. For further information, please call 1-833-903-3648 during the hours of 9am – 9pm Eastern Time, Monday through Friday.

Sincerely,



Thomas R. Taddeo
Executive Vice President & Chief Information Officer
Kimco Realty Corporation



STEPS YOU CAN TAKE TO PROTECT PERSONAL INFORMATION

- 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.
- 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 1-833-903-3648 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.
- 4. Review your credit reports.** We recommend that you remain vigilant by reviewing account statements and monitoring credit reports. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three major credit reporting companies. To obtain a free annual credit report, go to www.annualcreditreport.com or call 1-877-322-8228. You may wish to stagger your requests so that you receive a free report by one of the three credit bureaus every four months.

If you discover any suspicious items and have enrolled in IDX identity protection, notify them immediately by calling or by logging into the IDX website and filing a request for help.

If you file a request for help or report suspicious activity, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop and reverse the damage quickly.

You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that you have been a victim. A police report is often required to dispute fraudulent items. You can report suspected incidents of identity theft to local law enforcement or to the Attorney General.

5. Place Fraud Alerts with the three credit bureaus. If you choose to place a fraud alert, we recommend you do this after activating your credit monitoring. You can place a fraud alert at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. 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. The contact information for all three bureaus is as follows:

Credit Bureaus

Equifax Fraud Reporting
1-866-349-5191
P.O. Box 105069
Atlanta, GA 30348-5069
www.equifax.com

Experian Fraud Reporting
1-888-397-3742
P.O. Box 9554
Allen, TX 75013
www.experian.com

TransUnion Fraud Reporting
1-800-680-7289
P.O. Box 2000
Chester, PA 19022-2000
www.transunion.com

It is necessary to contact only ONE of these bureaus and use only ONE of these methods. As soon as one of the three bureaus confirms your fraud alert, the others are notified to place alerts on their records as well. You will receive confirmation letters in the mail and will then be able to order all three credit reports, free of charge, for your review. An initial fraud alert will last for one year.

Please Note: No one is allowed to place a fraud alert on your credit report except you.

6. Security Freeze. By placing a security freeze, someone who fraudulently acquires your personal identifying information will not be able to use that information to open new accounts or borrow money in your name. You will need to contact the three national credit reporting bureaus listed above to place the freeze. Keep in mind that when you place the freeze, you will not be

able to borrow money, obtain instant credit, or get a new credit card until you temporarily lift or permanently remove the freeze. There is no cost to freeze or unfreeze your credit files.

7. You can obtain additional information about the steps you can take to avoid identity theft from the following agencies. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them.

California Residents: California Attorney General, 1300 I Street, Sacramento, CA 95814, www.oag.ca.gov, 800-952-5225. Visit the California Office of Privacy Protection (www.oag.ca.gov/privacy) for additional information on protection against identity theft.

District of Columbia Residents: District of Columbia Attorney General, 400 6th Street NW, Washington, DC 20001, www.oag.dc.gov, 202-727-3400.

Iowa Residents: Iowa Attorney General, 1305 E. Walnut Street, Des Moines, Iowa 50319, www.ag.iowa.gov, 515-281-5926 or 888-777-4590.

Kentucky Residents: Kentucky Attorney General, 700 Capital Avenue, Suite 118, Frankfort, KY 40601, www.ag.ky.gov, 502-696-5300.

Maryland Residents: Maryland Attorney General, 200 St. Paul Place, Baltimore, MD 21202, www.marylandattorneygeneral.gov, 888-743-0023.

Massachusetts Residents: You have the right to obtain a police report regarding this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.

North Carolina Residents: Office of the Attorney General of North Carolina, 9001 Mail Service Center Raleigh, NC 27699-9001, www.ncdoj.gov, 1-919-716-6400.

New York Residents: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov/>.

New Mexico Residents: You have the right to obtain a police report regarding this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it. You have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit “prescreened” offers of credit and insurance you get based on information in your credit report; and you may seek damages from a violator. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. You can review your rights pursuant to the Fair Credit Reporting Act by visiting www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf, or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

Oregon Residents: Oregon Attorney General, 1162 Court Street NE, Salem, OR 97301, www.dog.state.or.us, 503-378-6002.

Rhode Island Residents: Office of the Attorney General of Rhode Island, 150 South Main Street, Providence, RI 02903, www.riag.ri.gov, 401-274-4400. You have the right to file or obtain a police report regarding this incident.

South Carolina Residents: South Carolina Department of Consumer Affairs, 293 Greystone Blvd., Ste. 400, Columbia, SC 29210, www.consumer.sc.gov, 800-922-1594.

All US Residents: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, www.consumer.gov/idtheft, 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261. The Internal Revenue Service provides a “Taxpayer Guide to Identity Theft” which includes information regarding how you can take action and how you can protect your data and identity, the Guide can be found online at: www.irs.gov/newsroom/taxpayer-guide-to-identity-theft.