



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

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426 W. Lancaster Avenue, Suite 200  
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June 12, 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](mailto:idtheft@oag.state.md.us)

**Re: Notice of Data Event**

To Whom It May Concern:

We represent Kiefer Aquatics located at 903 Morrissey Drive, Bloomington, IL 61701 and are writing to notify your office of an incident that may affect the security of certain personal information relating to approximately twenty-seven (27) Maryland residents. By providing this notice, Kiefer Aquatics 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 February 21, 2023, Kiefer Aquatics became aware of suspicious online activity relating to kiefer.com and its other website, thelifeguardstore.com, which may have involved customer credit card information. Kiefer Aquatics quickly launched an investigation, with the assistance of third-party computer forensic specialists, to determine the nature and scope of the activity and what information may have been affected. The investigation determined that an unknown actor accessed or could have accessed the credit or debit card information of individuals and businesses who made purchases on the above referenced websites with credit cards between January 23, 2023 and March 9, 2023. Kiefer Aquatics then worked to confirm the address information for individuals and businesses which may have been impacted during this time frame. This review was recently concluded on May 16, 2023.

The information that could have been subject to unauthorized access includes name, address, and credit and debit card information.

### **Notice to Maryland Residents**

On or about June 12, 2023, Kiefer Aquatics provided written notice of this incident to approximately twenty-seven (27) 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 event, Kiefer Aquatics moved quickly to investigate and respond to the incident, assess the security of Kiefer Aquatics systems, and identify potentially affected individuals. Kiefer Aquatics has implemented additional safeguards to its card processing environment.

Additionally, Kiefer Aquatics is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Kiefer Aquatics 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. Kiefer Aquatics is also advising notified individuals to report any suspicious charges on their credit or debit card to the bank that issued the card or the card company, as appropriate.

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

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4776.

Very truly yours,

Edward J. Finn of  
MULLEN COUGHLIN LLC

EJF/jrm  
Enclosure

# **EXHIBIT A**



4145 SW Watson Ave.  
Suite 400  
Beaverton, OR 9005

<<First Name>> <<Last Name>>  
<<Address1>> <<Address2>>  
<<City>>, <<State>> <<Zip>>

June 12, 2023

**NOTICE OF <<SECURITY INCIDENT/DATA BREACH>>**

Dear <<First Name>> <<Last Name>>,

Kiefer Aquatics is writing to inform you of a recent event that may have impacted some of our customers' information. We take this issue seriously and are providing you with information about the event and steps you may take to help protect your personal information, should you feel it is appropriate to do so.

**What Happened?** On or about February 21, 2023, Kiefer Aquatics became aware of suspicious online activity relating to [kiefers.com](http://kiefers.com) and our other website, [thelifeguardstore.com](http://thelifeguardstore.com), which may have involved customer credit card information. We quickly launched an investigation, with the assistance of third-party computer forensic specialists, to determine the nature and scope of the activity and what information may have been affected.

**What Information Was Involved?** The investigation determined that an unknown actor accessed or could have accessed the credit or debit card information of individuals and businesses who made purchases on the above referenced websites with credit cards between January 23, 2023 and March 9, 2023.

**What We Are Doing.** The confidentiality, privacy, and security of information in our care are among our highest priorities, and we take this incident very seriously. Upon becoming aware of this potential event, we immediately launched an investigation and worked to ensure that the unknown actor was no longer able to access customer information. We then worked to confirm the address information for individuals and businesses which may have been impacted during this time frame. This review was recently concluded on May 16, 2023. We also reviewed our security policies and enhanced procedures to reduce the risk of similar future events, including by making changes to our card processing environment.

**What You Can Do.** We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity and to detect errors. You should report any suspicious charges on your credit or debit card to the bank that issued the card or the card company, as appropriate. Please also review the enclosed *Steps You Can Take to Help Protect Your Information*, which contains information on what you can do to safeguard against possible misuse of your information should feel it appropriate to do so.

**For More Information.** If you have additional questions, you may contact our toll-free dedicated assistance line at 1-800-939-4170. This toll-free line is available Monday – Friday from 9:00 am - 9:00 pm Eastern Time (excluding U.S. holidays). You may also write to Kiefer Aquatics at 903 Morrissey Drive, Bloomington, IL 61701.

Sincerely,

Jon Muir  
Chief Executive Officer

## STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

### **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](http://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 security 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:

| <b>Equifax</b>                                                                                                                  | <b>Experian</b>                                                             | <b>TransUnion</b>                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a> | <a href="https://www.experian.com/help/">https://www.experian.com/help/</a> | <a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a> |
| 888-298-0045                                                                                                                    | 1-888-397-3742                                                              | 1 (800) 916-8800                                                                            |
| Equifax Fraud Alert, P.O. Box 105069<br>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<br>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](http://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 District of Columbia residents*, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, DC 20001; 202-727-3400; and [oag.dc.gov](http://oag.dc.gov).

*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 <https://www.marylandattorneygeneral.gov/>. Kiefer Aquatics is located at 903 Morrissey Drive, Bloomington, IL 61701.

*For New Mexico residents*, 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 bureaus 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 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. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://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.

*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](http://www.ncdoj.gov).

*For Rhode Island residents*, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; [www.riag.ri.gov](http://www.riag.ri.gov); and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 5 Rhode Island residents impacted by this incident.