

VIA Email

Office of the Attorney General of Maryland
Attn: Security Breach Notification
200 St. Paul Place Baltimore, MD 21202

September 5, 2023

Dear Sir or Madam:

We write on behalf of BNSF Railway Company ("BNSF"), 2650 Lou Menk Dr. Fort Worth, TX 76131. Pursuant to MD Code Ann. Comm. Law 14-3504, we write to notify you of an incident that affects the security of information relating to one (1) Maryland resident. At this point, we are not aware of any harm arising from the incident. By providing this notice, BNSF does not waive any rights or defenses regarding the applicability of Maryland law or personal jurisdiction.

On July 27, 2023, IRS Forms 1099-NEC for 2022 related to certain BNSF vendors were mistakenly emailed to another BNSF vendor. BNSF discovered the error on August 10, 2023 through its proactive data security and monitoring program. After discovering the error, BNSF asked the vendor to delete the information including the original email. The vendor has complied and provided assurances and confirmation of deletion.

After completing a thorough investigation of the incident, BNSF determined that the information impacted includes personal information for a Maryland resident. The impacted data contained the resident's name, mailing address, Social Security number, and BNSF compensation information. BNSF accordingly notified one (1) affected Maryland individual on September 5, 2023. Given the nature of the incident and BNSF's response, we believe the risk of harm to the affected individual is low. However, out of an abundance of caution, BNSF is providing the affected individual with identity monitoring services for eighteen (18) months. A sample notice that contains instructions on activating the complimentary services is enclosed.

BNSF is reviewing its policies and procedures and will implement any additional safeguards to its written information security program that may be appropriate to help ensure information in its control is appropriately protected. BNSF is also implementing additional employee training to prevent similar occurrences.

For further information, please do not hesitate to contact me.

Sincerely,



Timothy A. Newman
timothy.newman@haynesboone.com
Direct Dial 214-651-5029



BNSF Railway Company
2650 Lou Menk Drive, AOB-2
Fort Worth, TX 76131-2828

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

<<Address1>> <<Address2>>

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

<<Date>>

Re: Notice of Security Incident

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

BNSF Railway Company values and respects the privacy of your information and is committed to keeping it confidential. This letter is to inform you of a recent data incident involving your personal information. This letter contains information about the incident, our response, and the steps you can take to protect your information, should you feel it is appropriate to do so.

What Happened?

On July 27, 2023, a copy of your 2022 IRS Form 1099-NEC was mistakenly emailed to another BNSF vendor. We discovered the error on August 10, 2023 through our proactive data security and monitoring program. After we discovered the error, we asked the vendor to delete the information including the original email. The vendor has complied and provided us with assurances and confirmation of deletion. There is no evidence that your information has been misused or exposed beyond a single recipient. Given the nature of this incident and our response, we believe the risk of harm to you is low.

What Information Was Involved?

The information impacted by this incident included a copy of your 2022 IRS Form 1099-NEC, which included your name, mailing address, Social Security Number, and BNSF compensation information.

What We Are Doing.

We take this incident very seriously and apologize for any inconvenience it may have caused. While we believe the risk of harm to you is low, as a precautionary measure, we are offering you complimentary identity theft protection services through Norton LifeLock for a period of eighteen (18) months. Information on these services and activation instructions may be found in the enclosed Steps You Can Take to Further Protect Your Information.

We are reviewing this incident and will make any necessary changes to our policies and procedures and implement any additional safeguards that may be appropriate. We are also implementing additional employee training to prevent similar occurrences.

What You Can Do.

Given the nature of this incident and based on our ongoing review, we believe the risk of harm to you is low. However, 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. We also encourage you to take advantage of the services we are providing through LifeLock.



For More Information.

We regret this incident and sincerely apologize for any inconvenience it may cause. If you have questions or need additional information, please call or email BNSF Data Privacy at (800)-388-0120 or DataPrivacy@BNSF.com.

Sincerely,

David Choi
Senior General Attorney
(800) 388-0120
DataPrivacy@bnsf.com



Steps You Can Take to Further Protect Your Information

Complimentary Identity Monitoring Services: We encourage you to activate the fraud detection and credit monitoring tools through Norton LifeLock, which are provided as a complimentary 18-month membership. To start monitoring your personal information, please follow the steps below.

1. In your web browser, visit <https://us.norton.com/offers?expid=LL-DEF-CHOICE&promocode=BNSF2308>
2. Click “**Start Membership**”
3. A popup will appear requesting your **Member ID**. Enter **<<MEMBER ID>>** and click the “**APPLY**” button.
4. Complete the remaining required fields. Once enrollment is complete, you will receive a confirmation email (*be sure to follow ALL directions in this letter*).

Alternatively, to activate your membership over the phone, please call: 1-800-899-0180.

You will have until October 31, 2023 to enroll in this service.

Once you have completed the LifeLock enrollment process, the service will be in effect. Your **LifeLock Defender™ Choice** membership includes:

- ✓ Primary Identity Alert System¹
- ✓ 24/7 Live Member Support
- ✓ Dark Web Monitoring²
- ✓ Norton™ Security Deluxe (90 Day Free Subscription)³
- ✓ Stolen Funds Reimbursement up to \$25,000⁴
- ✓ Personal Expense Compensation up to \$25,000⁴
- ✓ Coverage for Lawyers and Experts up to \$1 million⁴
- ✓ U.S.-Based Identity Restoration Team
- ✓ One-Bureau Credit Monitoring^{2, 5}
- ✓ Annual One-Bureau Credit Report & Credit Score^{2, 5}

The credit score provided is a VantageScore 3.0 credit score based on Equifax data. Third parties use many different types of credit scores and are likely to use a different type of credit score to assess your creditworthiness.

Reviewing credit reports: It is recommended by some state laws that you remain vigilant, review your relevant account statements, and monitor your credit reports for suspicious activity. Some state laws advise you to report any suspected identity theft to law enforcement, your state’s Attorney General, and the Federal Trade Commission. Under U.S. law, you are entitled to one free credit report annually from each of the three major credit bureaus. To obtain a free annual credit report, go to www.annualcreditreport.com

¹ LifeLock does not monitor all transactions at all businesses.

² These features are not enabled upon enrollment. Member must take action to get their protection.

³ Norton Security Online provides protection against viruses, spyware, malware, and other online threats for up to 5 PCs, Macs, Android devices. Norton account features not supported in this edition of Norton Security Online. As a result, some mobile features for Android are not available such as anti-theft and mobile contacts backup. iOS is not supported.

⁴ Reimbursement and Expense Compensation, each with limits of up to \$25,000 for Defender Choice. And up to \$1 million for coverage for lawyers and experts if needed, for all plans. Benefits provided by Master Policy issued by United Specialty Insurance Company (State National Insurance Company, Inc. for NY State members). Policy terms, conditions and exclusions at: LifeLock.com/legal

⁵ If your plan includes credit reports, scores, and/or credit monitoring features (“Credit Features”), two requirements must be met to receive said features: (i) your identity must be successfully verified with Equifax; and (ii) Equifax must be able to locate your credit file and it must contain sufficient credit history information. IF EITHER OF THE FOREGOING REQUIREMENTS ARE NOT MET YOU WILL NOT RECEIVE CREDIT FEATURES FROM ANY BUREAU. If your plan also includes Credit Features from Experian and/or TransUnion, the above verification process must also be successfully completed with Experian and/or TransUnion, as applicable. If verification is successfully completed with Equifax, but not with Experian and/or TransUnion, as applicable, you will not receive Credit Features from such bureau(s) until the verification process is successfully completed and until then you will only receive Credit Features from Equifax. Any credit monitoring from Experian and TransUnion will take several days to begin after your successful plan enrollment. No one can prevent all identity theft or cybercrime.



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.

Equifax
P.O. Box 740241
Atlanta, GA 30348
888-378-4329
www.equifax.com

Experian
P.O. Box 2002
Allen, TX 75013
888-397-3742
www.experian.com

TransUnion
P.O. Box 2000
Chester, PA 19022
800-916-8800
www.transunion.com

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.

Fraud Alerts: At no charge, you can also have these credit bureaus place a “fraud alert” on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. This can be done by contacting the credit bureaus by phone and also via Experian’s or Equifax’s website. Once you place a fraud alert at one credit bureau, that bureau is required to notify the other two and have alerts placed on your behalf. Note, however, that because the alert tells creditors to follow certain procedures to protect you, it may also delay your efforts to obtain credit while the agency verifies your identity.

Security Freezes: You have the right to place a security freeze on your credit report at no cost to you. A security freeze is intended to prohibit a credit reporting agency from releasing any information from a consumer’s credit report without written authorization. However, please be aware that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing or other services.

To place a security freeze on your credit report, you must send a written request to each of the three major consumer reporting agencies by regular, certified or overnight mail. In order to request a security freeze, you will need to provide the following information: (1) full name (including middle initial and any suffixes); (2) social security number; (3) date of birth; (4) current address and previous addresses for the past five years; (5) proof of current address, such as a current utility bill, bank statement, or insurance statement; (6) a legible photocopy of a government issued identification card (state driver’s license, military identification, etc.); (7) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles.

You may obtain information from the Federal Trade Commission and the credit reporting agencies about fraud alerts and security freezes.

Additional Information: 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.

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.

Maryland Residents: You may contact the Office of the Maryland Attorney General, 200 St. Paul Place, Baltimore, MD 21202, <http://www.marylandattorneygeneral.gov>, 1-888-743-0023. The Office of the Maryland Attorney General may be able to provide you with information about the steps you can take to avoid identity theft.

Massachusetts Residents: Under Massachusetts law, Massachusetts residents have the right to obtain any police report filed in regard to 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.

New Mexico Residents: You have rights pursuant to the Fair Credit Reporting Act (FCRA), 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 FCRA, 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 FCRA not summarized here. Identity theft victims and active-duty military personnel have specific additional rights pursuant to the FCRA. We encourage you to review your rights pursuant to the FCRA by visiting <https://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf>.