



MULLEN
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September 21, 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 Toth Financial Advisory Corporation (“Toth”) located at 608 South King St., Suite 300, Leesburg, VA 20175, and are writing to notify your office of an incident that may affect the security of certain personal information relating to forty-two (42) Maryland residents. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Toth 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 July 31, 2023, Toth became aware of a suspicious activity on its computer systems. Toth promptly took steps to secure its environment and began investigating the nature and scope of the incident. The investigation determined that, in connection with the incident, there was unauthorized access to certain systems in Toth’s environment between July 27, 2023, and July 31, 2023. As a result of that system access, certain data stored on Toth’s systems may have been accessible, as well. Toth undertook a comprehensive review of the data to confirm what information could have been accessible. On August 23, 2023, Toth determined that information relating to Maryland residents was present in the accessible files.

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

Notice to Maryland Residents

On or about September 21, 2023, Toth provided written notice of this incident to forty-two (42) 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 incident, Toth moved quickly to investigate and respond to the incident, assess the security of Toth systems, and identify potentially affected individuals. Further, Toth notified federal law enforcement regarding the incident. Toth is also implementing additional safeguards and providing further training to its employees. Toth is providing access to credit monitoring services for twenty-four (24) months, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Toth is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Toth is providing individuals with information on how to place fraud alerts and credit freezes on their 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.

Toth 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 incident, please contact us at (267) 930-2303.

Very truly yours,

Lynda Jensen of
MULLEN COUGHLIN LLC

LRJ/dtg
Enclosure

EXHIBIT A

September 21, 2023



K0225-L01-0000001 T00001 P001 *****SCH 5-DIGIT 12345

SAMPLE A SAMPLE - L01

APT ABC

123 ANY STREET

ANYTOWN, ST 12345-6789

**NOTICE OF [SECURITY INCIDENT / DATA BREACH]**

Dear Sample A. Sample:

Toth Financial Advisory Corporation (“Toth Financial”) writes to inform you of a recent incident that may affect the privacy of some of your information. Although we have no evidence of actual or attempted misuse of any of your information regarding this incident, this notice provides you with information about the incident, our response, and additional steps you may take to protect your information, should you determine it is appropriate to do so.

What Happened. On or about July 31, 2023, we became aware of a suspicious activity on our computer systems. We promptly took steps to secure our environment and began investigating the nature and scope of the incident. The investigation determined that, in connection with the incident, there was unauthorized access to certain systems in our environment between July 27, 2023, and July 31, 2023. As a result of that system access, certain data stored on those systems may have been accessible, as well. We undertook a comprehensive review of the data to confirm what information could have been accessible. On August 23, 2023, we determined that information relating to you was potentially present in the accessible data.

What Information Was Involved. The investigation determined that your name, Social Security number, and financial account information were present in the accessible data.

What We Are Doing. We take this incident and the security of information in our care seriously. Upon learning of this incident, we quickly secured our environment, investigated to determine the nature and scope of the incident, and notified law enforcement. We continue to implement additional technical safeguards to help prevent a similar incident in the future. Toth Financial is offering you access to 24 months of complimentary credit monitoring and identity protection services through Experian. Details of this offer and instructions on how to enroll in the services may be found in the attached *Steps You Can Take to Help Protect Personal Information*. If you would like to enroll in these services, you will need to follow the attached instructions, because we are unable to enroll you automatically.

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 over the next 12 to 24 months. Additional information, including steps to enroll in credit monitoring, may be found in the *Steps You Can Take to Help Protect Personal Information* section below.



For More Information. If you have questions regarding this incident, please contact your Portfolio Manager or Maureen Schwarting at our office between the hours of 9:00 am and 3:00 pm EST or call our dedicated assistance line at 866-888-6339 toll-free Monday through Friday from 9 am – 11 pm Eastern, or Saturday and Sunday from 11 am – 8 pm Eastern (excluding major U.S. holidays). You may also write to Toth Financial at 608 South King St., Suite 300, Leesburg, VA 20175.

Sincerely,

Kenneth J. Bowen, II
President & CEO
www.tothfinancial.com
(703) 443-8684

STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

Enroll in Monitoring Services

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for 24 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 24 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 24-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 December 31, 2023** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
- 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 866-888-6339 by December 31, 2023. Be prepared to provide engagement number **B105042** as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 24-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.*
- **Credit Monitoring:** Actively monitors Experian, Equifax and Transunion files 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 Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

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

** 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 a free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. Consumers may also directly contact the three major credit reporting bureaus listed below to request a free copy of their 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 consumers are the victim of identity theft, they are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should consumers wish to place a fraud alert, please contact any 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 a consumer’s name without consent. However, consumers should be aware that using a credit freeze to take control over who gets access to the personal and financial information in their credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application they make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, consumers cannot be charged to place or lift a credit freeze on their credit report. To request a credit freeze, individuals may need to provide some or all of 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 they are a victim of identity theft.

Should you wish to place a fraud alert or 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
1-888-298-0045	1-888-397-3742	1-800-916-8800
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

Consumers may further educate themselves regarding identity theft, fraud alerts, credit freezes, and the steps they can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or their state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, D.C. 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. Consumers can obtain further information on how to file such a complaint by way of the contact information listed above. Consumers have the right to file a police report if they ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity

theft, consumers will likely need to provide some proof that they have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and the relevant 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, D.C. 20001; 1-202-727-3400; and oag.dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-576-6300 or 1-888-743-0023; and <https://www.marylandattorneygeneral.gov/>.

For New Mexico residents, consumers have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in their credit file has been used against them, the right to know what is in their credit file, the right to ask for their 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 consumers' files is limited; consumers must give consent for credit reports to be provided to employers; consumers may limit "prescreened" offers of credit and insurance based on information in their credit report; and consumers may seek damages from violators. Consumers 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 consumers to review their 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.

For Massachusetts residents, you 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.

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.



