



SHAWN TUMA
DIRECT DIAL: 972-324-0317
stuma@spencerfane.com

January 5, 2024

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

via email:
IDTheft@oag.state.md.us

Re: Notification of Data Security Incident

Dear Attorney General Anthony Brown:

Please be advised that the undersigned and this law firm have been retained to represent Whitley Penn in connection with a recent data security incident. Whitley Penn is a Texas-based, full-service accounting and advisory firm located at 640 Taylor Street, Suite 2200, Forth Worth, Texas 76102.

On October 31, 2023, Whitley Penn identified suspicious activity within a certain Whitley Penn email account. Upon learning of this incident, Whitley Penn immediately took steps to secure their network and launched an investigation in coordination with third-party forensic specialists to determine the nature and scope of the activity. After a thorough investigation, on November 21, 2023, Whitley Penn determined that certain data used in the preparation of tax returns may have been exposed to an unknown and unauthorized individual. This investigation revealed that, although the specific information contained within the account in question varies by individual, the account may have contained data such as first and last names, addresses, dates of birth, drivers' license numbers, passport numbers, Social Security numbers, K-1 visa information, taxpayer identification numbers, banking account information, PIN numbers, and/or certain financial information.

Whitley Penn is currently finalizing the details and logistics for notification and an offer of credit monitoring for the affected individuals, including the 1 affected Maryland resident, which will take place in the very near future. Whitley Penn will provide this office with the sample notification upon completion.

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Respectfully,



Shawn Tuma

SHAWN TUMA
DIRECT DIAL: 972-324-0317
stuma@spencerfane.com

February 5, 2024

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

via email:
IDTheft@oag.state.md.us

Re: Notification of Data Security Incident

Dear Attorney General Anthony Brown:

Please be advised that the undersigned and this law firm have been retained to represent Whitley Penn in connection with a recent data security incident. Whitley Penn is a Texas-based, full-service accounting and advisory firm located at 640 Taylor Street, Suite 2200, Fort Worth, Texas 76102.

On January 5, 2024, Whitley Penn provided its initial notification of a data security incident to this office. In its initial notification, Whitley Penn indicated that the details and logistics for notification to affected individuals was in the process of being finalized for mailing. In follow up to same, on January 29, 2024, Whitley Penn mailed the attached notice to the 1 affected Maryland resident and partnered with Experian to offer identity theft protection services which includes: 12 months of credit monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identity theft recovery services in the event of a compromised identity.

Respectfully,



Shawn Tuma

Enclosure



<<Return Address>>
<<City>>, <<State>> <<Zip>>

<<Name 1>>
<<Name 2>>
<<Address1>>
<<Address2>>
<<City>>, <<State>> <<Zip>>

<<Maildate>>

Notice of Data Breach

Dear <<Name 1>>,

What Happened

We are writing to inform you of an incident that involved your personal information. On October 31, 2023, we identified suspicious activity within a certain Whitley Penn email account. Upon learning of this incident, we immediately took steps to secure our network and launched an investigation in coordination with third-party forensic specialists to determine the nature and scope of the activity. After a thorough investigation, on November 21, 2023, we determined that certain data used in the preparation of your tax return may have been exposed as a result of a malicious cyberattack.

We deeply regret that this has occurred and apologize for any inconvenience or concern caused by this incident.

What Information Was Involved

Although the specific information contained within the account in question varies by individual, the account may have contained certain data used in the preparation of your tax return, such as first and last name, address, date of birth, driver's license number, passport number, Social Security number, K-1 visa information, taxpayer identification number, banking account information, PIN number, and/or certain financial information.

What We Are Doing

We take the confidentiality, privacy, and security of information in our possession seriously, and we have security measures in place to help protect the information we collect. Upon learning of this incident, we promptly notified law enforcement and commenced the forensic investigation referenced above. Additionally, as part of our ongoing commitment to protecting the privacy of personal information in our care, we reviewed our existing policies and procedures and implemented additional administrative and technical safeguards to further secure the information in our systems. We also worked with the third-party subject matter specialists to further enhance the security of our systems and prevent future attacks.

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for 12 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 12 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 12-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 April 4, 2024** (Your code will not work after this date.)
- **Visit the Experian IdentityWorks website to enroll:** <https://www.experianidworks.com/3bcredit>
- **Provide your activation code:** <<Activation Code>>

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 1-877-288-8057 by April 4, 2024. Be prepared to provide engagement number <<Engagement #>> as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-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.

What You Can Do

The events that have occurred do not automatically mean that you are a victim of identity theft. However, we encourage you to remain vigilant, to continually review your credit report, bank account activity, and bank statements for irregularities or unauthorized items, and to immediately report any unauthorized charges to your financial institution.

We also encourage you to contact Experian with any questions and to enroll in the free identity protection services by calling 1-877-288-8057, going to <https://www.experianidworks.com/3bcredit>. Please note the deadline to enroll is April 4, 2024. Again, at this time, we are not aware of any evidence indicating that your information has been misused. However, we encourage you to take full advantage of this service offering.

What is Whitley Penn

Whitley Penn is a Texas-based, full-service accounting and advisory firm with a global reach through its affiliation with another entity. If you received this letter, you are/were previously a client of Whitley Penn or are/were an employee of one of Whitley Penn's clients.

For More Information

When calling or enrolling online for Experian IdentityWorks, you will need to reference the Experian enrollment code provided, so please do not discard this letter. The specific instructions are above.

We deeply regret that this has occurred and apologize for any inconvenience or concern caused by this incident. Please call 888-368-6235 if you'd like to speak to someone regarding any additional questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Toby Cotton". The signature is fluid and cursive, with a large loop at the end.

Toby Cotton
Tax Practice Leader
Whitley Penn

Information About Identity Theft Protection

Monitor Your Accounts

We recommend that you regularly review statements from your accounts and periodically obtain your credit report from one or more of the national credit reporting companies. Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus. You may obtain a free copy of your credit report online at www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281. You may also purchase a copy of your credit report by contacting one or more of the three national credit reporting agencies listed below.

Equifax®
P.O. Box 740241
Atlanta, GA 30374-0241
1-800-685-1111
www.equifax.com

Experian
P.O. Box 9701
Allen, TX 75013-9701
1-888-397-3742
www.experian.com

TransUnion®
P.O. Box 1000
Chester, PA 19016-1000
1-800-888-4213
www.transunion.com

When you receive your credit reports, review them carefully. Look for accounts or creditor inquiries that you did not initiate or do not recognize. Look for information, such as home address and Social Security number that is not accurate. If you see anything you do not understand, call the credit reporting agency at the telephone number on the report.

Credit Freeze

You have the right to put a security freeze, also known as a credit freeze, on your credit file, so that no new credit can be opened in your name without the use of a Personal Identification Number (PIN) that is issued to you when you initiate a freeze. A credit freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a credit freeze, potential creditors and other third parties will not be able to access your credit report unless you temporarily lift the freeze. Therefore, using a credit freeze may delay your ability to obtain credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. Should you wish to place a credit freeze, please contact all three major consumer reporting agencies listed below.

Equifax
P.O. Box 105788
Atlanta, GA 30348-5788
1-800-685-1111
www.equifax.com/personal/credit-report-services

Experian
P.O. Box 9554
Allen, TX 75013-9554
1-888-397-3742
www.experian.com/freeze/center.html

TransUnion
P.O. Box 2000
Chester, PA 19016-2000
1-888-909-8872
www.transunion.com/credit-freeze

You must separately place a credit freeze on your credit file at each credit reporting agency. The following information should be included when requesting a credit freeze:

- 1) Full name, with middle initial and any suffixes;
- 2) Social Security number;
- 3) Date of birth (month, day, and year);
- 4) Current address and previous addresses for the past five (5) years;
- 5) Proof of current address, such as a current utility bill or telephone bill;
- 6) Copy of a government-issued identification card;
- 7) A copy of a police report or other complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft; and
- 8) Other personal information as required by the applicable credit reporting agency.

If you request a credit freeze online or by phone, then the credit reporting agencies have one (1) business day after receiving your request to place a credit freeze on your credit file report. If you request a lift of the credit freeze online or by phone, then the credit reporting agency must lift the freeze within one (1) hour. If you request a credit freeze or lift of a credit freeze by mail, then the credit agency must place or lift the credit freeze no later than three (3) business days after getting your request.

Fraud Alerts

You also have the right to place an initial or extended fraud alert on your file at no cost. An initial fraud alert lasts 1-year and 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 7 years. Should you wish to place a fraud alert, please contact any one of the agencies listed below. The agency you contact will then contact the other two credit agencies.

Equifax

P.O. Box 105788
Atlanta, GA 30348-5788
1-888-766-0008
[www.equifax.com/personal/
credit-report-services](http://www.equifax.com/personal/credit-report-services)

Experian

P.O. Box 9554
Allen, TX 75013-9554
1-888-397-3742
[www.experian.com/
fraud/center.html](http://www.experian.com/fraud/center.html)

TransUnion

P.O. Box 2000
Chester, PA 19016-2000
1-800-680-7289
[www.transunion.com/fraud-
victim-resource/place-fraud-alert](http://www.transunion.com/fraud-victim-resource/place-fraud-alert)

Monitor Your Personal Health Information

If applicable to your situation, we recommend that you regularly review the explanation of benefits statement that you receive from your insurer. If you see any service that you believe you did not receive, please contact your insurer at the number on the statement. If you do not receive the regular explanation of benefits statements, contact your provider and request them to send such statements following the provision of services in your name or number.

You may want to order copies of your credit reports and check for any medical bills that you do not recognize. If you find anything suspicious, call the credit reporting agency at the phone number on the report. Keep a copy of this notice for your records in case of future problems with your medical records. You may also want to request a copy of your medical records from your provider, to serve as a baseline. If you are a California resident, we suggest that you visit the website of the California Office of Privacy Protection at www.privacy.ca.gov to find more information about your medical privacy.

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; 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.

California Residents: Visit the California Office of Privacy Protection (www.oag.ca.gov/privacy) for additional information on protection against identity theft. Office of the Attorney General of California, 1300 I Street, Sacramento, CA 95814, Telephone: 1-800-952-5225.

Kentucky Residents: Office of the Attorney General of Kentucky, 700 Capitol Avenue, Suite 118 Frankfort, Kentucky 40601, www.ag.ky.gov, Telephone: 1-502-696-5300.

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 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.

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

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

Oregon Residents: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, www.doj.state.or.us/, Telephone: 1-877-877-9392

All US Residents: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, <https://consumer.ftc.gov>, 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.