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November 25, 2024

VIA ELECTRONIC MAIL

Attorney General Anthony G. Brown
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 Security Incident

Dear Attorney General Brown:

Constangy, Brooks, Smith & Prophete, LLP, represents Berg Construction, LLC (“Berg Construction”) in relation to a recent data security incident. Berg Construction takes the protection of all information within its possession very seriously and has taken measures to reduce the likelihood of a similar incident reoccurring. We are writing to notify your office of an incident that may affect the security of certain personal information relating to approximately 4 Maryland residents.

1. Nature of the Security Incident

On October 3, 2024, Berg Construction was alerted to potential unusual activity within its network. In response, Berg Construction immediately began investigating and enlisted the assistance of cybersecurity and other technical experts to assist in determining what happened and whether personal information in Berg Construction’s possession was accessed without authorization. This review was completed in October 2024 and determined that certain personal information may have been accessed by an unauthorized individual. Berg Construction immediately worked to identify the individuals and locate address information for those impacted to effectuate notification. This process was completed on November 8, 2024, and notice was provided promptly thereafter.

The potentially affected information varies for each individual but may have included individuals’ names, Social Security number, and driver’s license or other state identification number.

2. Number of Maryland Residents Affected

On November 22, 2024, Berg Construction notified approximately 4 Maryland residents within the potentially affected population, via USPS First-Class Mail. A sample copy of the notification letter sent to the impacted individuals is included with this correspondence.

3. Steps Taken Relating to the Incident

As soon as Berg Construction learned of the unusual network activity, it took steps to secure its systems and launched an investigation to learn more about what happened and what information could have been affected. Berg Construction has implemented additional safeguards to help ensure the security of its systems and to reduce the risk of a similar incident occurring in the future.

Berg Construction is providing those whose Social Security number was involved with identity protection services through TransUnion. The TransUnion identity protection services include Single Bureau Credit Monitoring/Single Bureau Credit Report/Single Bureau Credit Score services and fraud assistance at no charge for 12 months. In addition, Berg Construction has established a toll-free call center through TransUnion to answer questions about the incident and address related concerns.

Additionally, Berg Construction is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Berg Construction 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.

4. Contact Information

If you have any questions or need additional information, please do not hesitate to contact me.

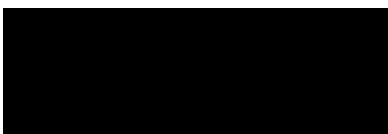
Sincerely,

Lauren Godfrey

Lauren Godfrey

Partner, Constangy Cyber Team

Attachment: Sample Notification Letter



November 22, 2024

Subject: **Notice of Data Security Incident**

Dear 

I am writing to inform you of a recent incident that may have affected some of your personal information. Berg Construction, LLC (“Berg Construction”) is committed to maintaining the privacy and security of all information in our possession. This letter includes information about the incident and provides you with steps you can take to protect your personal information, along with a complimentary offer of credit and identity monitoring services.

What happened? On October 3, 2024, Berg Construction was alerted to potential unusual activity within our network. In response, we immediately took measures to secure our network and to commence an investigation to determine the full nature and scope of the event. Berg Construction engaged cybersecurity experts to assist with the process. Our investigation determined that certain systems impacted by the event may contain personal information. After a thorough review of the information, on or about October 21, 2024, we determined that some of your information was contained in the potentially affected data. Berg Construction then took steps to locate information needed to effectuate notification to such individuals. Berg Construction concluded this process on November 8, 2024, and then arranged for notification to potentially affected individuals.

What Information Was Involved? The potentially affected information included your name and Social Security Number, driver's license or other state identification number.

What We Are Doing: As soon as we discovered the incident, we took the steps described above. We also performed a thorough review of our systems to investigate the incident and ensure that our systems remain secure. Berg Construction implemented additional security measures to protect our digital environment and minimize the likelihood of future incidents. Berg Construction also notified the Federal Bureau of Investigation of the incident and will provide whatever cooperation is necessary to hold the perpetrators accountable.

In addition, we have secured the services of TransUnion to provide credit monitoring and identity theft restoration services at no cost to you. These services include access to Single Bureau Credit Monitoring/Single Bureau Credit Report/Single Bureau Credit Score services at no charge. These services provide you with alerts for 12 months from the date of enrollment when changes occur to your credit file. This notification is sent to you the same day that the change or update takes place with the bureau. Finally, we are providing you with proactive fraud assistance to help with any questions that you might have or in the event that you become a victim of fraud. These services will be provided by Cyberscout, a TransUnion company specializing in fraud assistance and remediation services.

To enroll in these services at no charge, please log on to <https://bfs.cyberscout.com/activate> and follow the instructions provided. When prompted please provide the following unique code to receive services: **120327A8FB01**.

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To receive the monitoring services described above, you must enroll within 90 days from the date of this letter. The enrollment requires an internet connection and e-mail account and may not be available to minors under the age of 18 years of age. Please note that when signing up for monitoring services, you may be asked to verify personal information for your own protection to confirm your identity.

What You Can Do: Receiving this letter does not mean that you are the victim of identity theft. We recommend that you activate your complimentary services using the membership number provided above. We also recommend that you review the guidance included with this letter about how to protect your information.

For More Information: If you have any questions about this letter, please contact our dedicated call center for this incident at **1-800-405-6108**. Representatives are available Monday through Friday from 8:00 am - 8:00 pm Eastern Time, excluding holidays, and have been fully versed on this incident.

We apologize for any inconvenience this may have caused you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Naranjo', with a stylized flourish at the end.

Bryan Naranjo, Chief Financial Officer
Berg Construction, LLC
428 California Road
Morgantown, PA 19543

Steps You Can Take to Protect Your Personal Information

Review Your Account Statements and Notify Law Enforcement of Suspicious Activity: As a precautionary measure, we recommend that you remain vigilant by reviewing your account statements and credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You also should promptly report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, your state attorney general, and/or the Federal Trade Commission (the “FTC”).

Copy of Credit Report: You may obtain a free copy of your credit report from each of the three major credit reporting agencies once every 12 months by visiting www.annualcreditreport.com, calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You also can contact one of the following three national credit reporting agencies:

Equifax
P.O. Box 105851
Atlanta, GA 30348
1-800-525-6285
www.equifax.com

Experian
P.O. Box 9532
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion
P.O. Box 1000
Chester, PA 19016
1-800-916-8800
www.transunion.com

Fraud Alert: You may want to consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least one year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three credit reporting agencies identified above. Additional information is available at www.annualcreditreport.com.

Security Freeze: You have the right to put a security freeze on your credit file for up to one year at no cost. This will prevent new credit from being opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. A security freeze is designed to prevent potential creditors from accessing your credit report without your consent. As a result, using a security freeze may interfere with or delay your ability to obtain credit. You must separately place a security freeze on your credit file with each credit reporting agency. In order to place a security freeze, you may be required to provide the consumer reporting agency with information that identifies you including your full name, Social Security number, date of birth, current and previous addresses, a copy of your state-issued identification card, and a recent utility bill, bank statement or insurance statement.

Additional Free Resources: You can obtain information from the consumer reporting agencies, the FTC, or from your respective state Attorney General about fraud alerts, security freezes, and steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, including to the FTC or to the Attorney General in your state.



Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, DC 20580
consumer.ftc.gov
877-438-4338

Maryland Attorney General
200 St. Paul Place
Baltimore, MD 21202
www.marylandattorneygeneral.gov/Pages/CPD
888-743-0023

Oregon Attorney General
1162 Court St., NE
Salem, OR 97301
www.doj.state.or.us/consumer-protection
877-877-9392

California Attorney General
1300 I Street
Sacramento, CA 95814
www.oag.ca.gov/privacy
800-952-5225

New York Attorney General
The Capitol
Albany, NY 12224
800-771-7755
ag.ny.gov

Rhode Island Attorney General
150 South Main Street
Providence, RI 02903
www.riag.ri.gov
401-274-4400

Iowa Attorney General
1305 E. Walnut Street
Des Moines, Iowa 50319
www.iowaattorneygeneral.gov
888-777-4590

NY Bureau of Internet and Technology
28 Liberty Street
New York, NY 10005
www.dos.ny.gov/consumerprotection/
212.416.8433

Washington D.C. Attorney General
400 S 6th Street, NW
Washington, DC 20001
oag.dc.gov/consumer-protection
202-442-9828

Kentucky Attorney General
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601
www.ag.ky.gov
502-696-5300

NC Attorney General
9001 Mail Service Center
Raleigh, NC 27699
ncdoj.gov/protectingconsumers/
877-566-7226

You also have certain rights under the Fair Credit Reporting Act (FCRA): These rights include to know what is in your file; to dispute incomplete or inaccurate information; to have consumer reporting agencies correct or delete inaccurate, incomplete, or unverifiable information; as well as other rights. For more information about the FCRA, and your rights pursuant to the FCRA, please visit www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf.