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August 20, 2019

**VIA E-MAIL**

Wayne Stenehjem, Attorney General  
Office of Attorney General  
600 East Boulevard Avenue, Department 125  
Bismark, ND 58505  
Email: ndag@nd.gov

Re: Notice of Data Security Incident

Dear Attorney General Stenehjem:

We represent The New York Athletic Club (“NYAC”) located in New York, New York. This letter is being sent pursuant to N.D. Cent. Code §§ 51-30-01 *et seq.*, because the personal information of seven (7) North Dakota residents may have been affected by a recent data security incident. The incident may have included unauthorized access to names, addresses, dates of birth, Social Security numbers, credit or debit card numbers, and account numbers.

On or about June 7, 2019, NYAC discovered unusual activity in its email system. NYAC immediately took measures to secure its system and launched an investigation with the assistance of a digital forensics firm to help determine what occurred and whether personal information was accessed without authorization. The incident was also reported to law enforcement. On July 23, 2019, the forensics investigation determined that an unauthorized actor obtained access to a few NYAC employee email accounts and may have viewed emails containing text or attachments that included personal information. On August 12, 2019, NYAC confirmed that seven (7) North Dakota residents may have been among the potentially affected population.

NYAC notified the affected North Dakota residents via the attached sample letter on August 20, 2019. NYAC is offering twelve (12) months of complimentary credit and identity monitoring services to the affected residents through Kroll. Please contact me should you have any questions.

Office of the Attorney General  
August 20, 2019  
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Sincerely,



Sean B. Hoar of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosures: Consumer Notification Letter



<<Date>> (Format: Month Day, Year)

<<FirstName>> <<MiddleName>> <<LastName>> <<NameSuffix>>

<<Address1>>

<<Address2>>

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

<<ClientDef2(Notice of Data Breach or Security Incident)>>

Dear <<FirstName>> <<MiddleName>> <<LastName>> <<NameSuffix>>,

I am writing at this time to inform you that the New York Athletic Club, whose facilities you have used or with whom you have conducted business, recently learned of a data security incident involving unauthorized access to employee email accounts containing your personal information. The security of your personal data is of the utmost importance to the New York Athletic Club. In addition to notifying you of the incident, the Club has taken measures, outlined below, whereby you may avail yourself of complimentary credit and identity monitoring services. We have also included steps that you can take to help protect your personal information.

**What happened?** On June 7th, 2019, the Club detected unusual activity in a staff member's email account. We immediately took steps to secure the account and launched an investigation to determine whether additional email accounts were involved and whether any personal information had been accessed without authorization. We also engaged a leading independent digital forensics firm to assist with this investigation. On July 23rd, our investigation determined that your information may have been accessed without authorization. The incident was limited to information transmitted via email and did not affect our information systems.

**What information was involved?** The information may include your <<ClientDef1(BreachDetails)>>.

**What we are doing.** As soon as we discovered the incident, we took the steps referenced above and implemented enhanced security measures in our employee email platform in order to better safeguard all personal information in our possession. We also reported the matter to the FBI and will provide whatever cooperation is necessary to hold the perpetrators accountable. Additionally, we are offering you complimentary identity monitoring services through Kroll, a global leader in risk mitigation and response.

**What you can do.** We recommend that you activate your Kroll identity monitoring. Activation instructions and a description of the services are included with this letter. Kroll representatives have been fully versed on the incident and can answer any questions and concerns you may have. We also recommend that you review the guidance on the next page about how to help protect your personal information.

**For more information.** If you have questions or need assistance, please contact 1-844-243-0208, Monday through Friday from 9:00 a.m. to 6:30 p.m. Eastern Time, excluding major US holidays. Please accept our apologies for such concern or inconvenience as this may cause.

Sincerely,

Edward Napolitano  
Director of Finance & Administration  
New York Athletic Club

## How to Activate Your Identity Monitoring Services

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As referenced above, we have secured the services of Kroll to provide identity monitoring at no cost to you for one year. Kroll is a global leader in risk mitigation and response. Your identity monitoring services include Credit Monitoring, Web Watcher, Fraud Consultation, and Identity Theft Restoration.

Visit [krollbreach.idMonitoringService.com](https://krollbreach.idMonitoringService.com) to activate and take advantage of your identity monitoring services.

*You have until **November 14, 2019** to activate your identity monitoring services.*

Membership Number: <<Member ID>>

## Take Advantage of Your Identity Monitoring Services

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You've been provided with access to the following services<sup>1</sup> from Kroll:

### Single Bureau Credit Monitoring

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you'll have the option to call a Kroll fraud specialist, who can help you determine if it's an indicator of identity theft.

### Web Watcher

Web Watcher monitors internet sites where criminals may buy, sell, and trade personal identity information. An alert will be generated if evidence of your personal identity information is found.

### Fraud Consultation

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

### Identity Theft Restoration

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator can dig deep to uncover the scope of the identity theft, and then work to resolve it.

<sup>1</sup> Kroll's activation website is only compatible with the current version or one version earlier of Chrome, Firefox, Safari and Edge. To receive credit services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit file.

## Steps You Can Take to Further Protect Your 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 (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 <http://www.annualcreditreport.com/>, calling toll-free 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 can print this form at <https://www.annualcreditreport.com/cra/requestformfinal.pdf>. You also can contact one of the following three national credit reporting agencies:

<b>TransUnion</b>	<b>Experian</b>	<b>Equifax</b>	<b>Free Annual Report</b>
P.O. Box 1000 Chester, PA 19016 1-877-322-8228 <a href="http://www.transunion.com">www.transunion.com</a>	P.O. Box 9532 Allen, TX 75013 1-888-397-3742 <a href="http://www.experian.com">www.experian.com</a>	P.O. Box 105851 Atlanta, GA 30348 1-800-525-6285 <a href="http://www.equifax.com">www.equifax.com</a>	P.O. Box 105281 Atlanta, GA 30348 1-877-322-8228 <a href="http://annualcreditreport.com">annualcreditreport.com</a>

**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 one (1) 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 <http://www.annualcreditreport.com>.

**Security Freeze:** You have the right to put a security freeze on your credit file. 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. There is no charge to place, lift or remove the security freeze. 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 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. Residents of Maryland, North Carolina, and Rhode Island can obtain more information from their Attorneys General using the contact information below.

<b>Federal Trade Commission</b>	<b>Maryland Attorney General</b>	<b>North Carolina Attorney General</b>	<b>Rhode Island Attorney General</b>
600 Pennsylvania Ave, NW Washington, DC 20580 <a href="http://consumer.ftc.gov">consumer.ftc.gov</a> , and <a href="http://www.ftc.gov/idtheft">www.ftc.gov/idtheft</a> 1-877-438-4338	200 St. Paul Place Baltimore, MD 21202 <a href="http://oag.state.md.us">oag.state.md.us</a> 1-888-743-0023	9001 Mail Service Center Raleigh, NC 27699 <a href="http://ncdoj.gov">ncdoj.gov</a> 1-877-566-7226	150 South Main Street Providence, RI 02903 <a href="http://www.riag.ri.gov">http://www.riag.ri.gov</a> 401-274-4400

You also have certain rights under the Fair Credit Reporting Act (FCRA), including: 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 others. For more information about the FCRA, and your rights pursuant to the FCRA, please visit [http://files.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf).