



MULLEN
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July 22, 2020

INTENDED FOR ADDRESSEE(S) ONLY

VIA E-MAIL

Office of the Attorney General
Consumer Protection and Antitrust
Gateway Professional Center
1050 E Interstate Avenue Suite 200
Bismarck, ND 58503-5574
E-mail: ndag@nd.gov

Re: Notice of Data Event

Dear Sir or Madam:

We represent YogaFit located at 9005 W Sahara Avenue, Las Vegas, NV 89117, and write, on behalf of YogaFit, to notify your Office of an incident that may affect the security of certain payment information of approximately six (6) North Dakota residents. The investigation into this event is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, YogaFit does not waive any rights or defenses regarding the applicability of North Dakota law, the North Dakota data breach notification statute, or personal jurisdiction.

Nature of the Data Event

On or about May 27, 2020, YogaFit began investigating a report from a customer of an unusual payment card charge. YogaFit immediately began investigating this report by working with its web developer to review its website code. The investigation determined that YogaFit was the victim of a sophisticated cyber-attack that may have resulted in a compromise to some of its customers' credit and debit cards used to make purchases on its website, www.yogafit.com, between April 11, 2020 and May 27, 2020. YogaFit took steps to confirm the identity of the customers whose personally identifiable information was impacted. During the investigation YogaFit took steps to address the issue and to secure its website. Individuals can safely and securely use payment cards on YogaFit's website. The investigation determined that the following types of information related to North Dakota residents may have been accessible within the impacted accounts: the cardholder's name, address, credit card number, expiration date, CVV, and username and password.

Notice to North Dakota Residents

On or around July 22, 2020, YogaFit began providing written notice of this incident to potentially affected individuals, including approximately six (6) North Dakota 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 learning of unusual activity related to its website, YogaFit immediately took steps to secure its website and launched an in-depth investigation, with the assistance of its web developer, to determine the nature and scope of this incident. As part of YogaFit's ongoing commitment to the privacy of payment information in its care, YogaFit is reviewing its existing policies and procedures and implementing additional safeguards to further secure the payment information. YogaFit is also notifying relevant regulatory authorities of this event, as required by applicable law.

YogaFit is providing potentially affected individuals with guidance on how to better protect against identity theft and fraud, including 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.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at 267-930-4786.

Very truly yours,

A handwritten signature in blue ink that reads "Ryan Loughlin". The signature is written in a cursive style with a small flourish at the end.

Ryan C. Loughlin of
MULLEN COUGHLIN LLC

RCL/ew
Enclosure

EXHIBIT A



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

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country >>

Dear <<MemberFirstName>> <<MemberLastName>>:

YogaFit writes to inform you of a recent event that may impact the privacy of some of your payment card information. We wanted to provide you with information about the event, our response, and steps you may wish to take to better protect against the possibility of identity theft and fraud.

What Happened? On or about May 27, 2020, YogaFit began investigating a report from a customer of an unusual payment card charge. YogaFit immediately began investigating this report by working with its web developer to review its website code. The investigation determined that YogaFit was the victim of a sophisticated cyber-attack that may have resulted in a compromise to some of its customers' credit and debit cards used to make purchases on its website, www.yogafit.com, between April 11, 2020 and May 27, 2020. YogaFit took steps to confirm the identity of the customers whose personally identifiable information was impacted. During the investigation YogaFit took steps to address the issue and to secure its website. You can safely and securely use your payment card on YogaFit's website.

What Information Was Involved? Through the investigation, YogaFit confirmed that malicious code on the website may have stolen credit or debit card data from some credit and/or debit cards used on its website, www.yogafit.com between April 11, 2020 and May 27, 2020. The information at risk as a result of the event includes the cardholder's name, address, credit card number, expiration date, CVV, and username and password.

What We Are Doing. YogaFit takes this incident and the security of your information seriously. As part of our ongoing commitment to the privacy of personal information in our care, we are working to review our existing policies and procedures and to implement additional safeguards to further secure payment information. In addition to notifying potentially impacted individuals we are also notifying state regulators, as required.

What You Can Do. We encourage you to monitor your financial account statements and report any suspicious charges to the institution that issued your payment card. You can find the contact information on the back of your payment card. You can find out more about how to protect against potential identity theft and fraud in the enclosed *Steps You Can Take to Protect Personal Information*.

For More Information. We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, please call our dedicated assistance line at 1-???-???-????, 8:00 a.m. to 5:30 p.m. Central Time, Monday through Friday, excluding U.S. holidays. You may also write to YogaFit at: edu@yogafit.com.

We sincerely regret any inconvenience or concern this incident has caused.

Sincerely,

Jenny Baldwin
Vice President, Operations
YogaFit

Steps You Can Take to Protect Personal Information

We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

You have the right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

Experian

PO Box 9554

Allen, TX 75013

1-888-397-3742

www.experian.com/freeze/center.html

TransUnion

P.O. Box 160

Woodlyn, PA 19094

1-888-909-8872

www.transunion.com/credit-freeze

Equifax

PO Box 105788

Atlanta, GA 30348-5788

1-800-685-1111

www.equifax.com/personal/credit-report-services

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior 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, military identification, etc.);
7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

As an alternative to a security freeze, you have the right to place an initial or extended “fraud alert” on your file at no cost. An initial fraud alert is a 1-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 you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the agencies listed below:

Experian

P.O. Box 9554

Allen, TX 75013

1-888-397-3742

www.experian.com/fraud/center.html

TransUnion

P.O. Box 2000

Chester, PA 19016

1-800-680-7289

www.transunion.com/fraud-victim-resource/place-fraud-alert

Equifax

P.O. Box 105069

Atlanta, GA 30348

1-888-766-0008

www.equifax.com/personal/credit-report-services

Additional Information

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself by contacting the consumer reporting agencies, the Federal Trade Commission, or your state Attorney General.

The Federal Trade Commission can 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.

For Maryland residents, the Attorney General can be contacted at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202, 1-410-528-8662, www.oag.state.md.us.

For 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 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. We encourage you to 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.

For North Carolina residents, the Attorney General can be contacted at 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-566-7226 or 1-919-716-6000, www.ncdoj.gov. You can obtain information from the Attorney General or the Federal Trade Commission about preventing identity theft.

For Rhode Island Residents, the Rhode Island Attorney General can be reached at: 150 South Main Street, Providence, Rhode Island 02903; www.riag.ri.gov, 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. [There are 3 Rhode Island residents impacted by this incident.](#)

For 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/>.