

October 6, 2020

**Anjali C. Das**  
312.821.6164 (direct)  
Anjali.Das@wilsonelser.com

**Via E-MAIL**

Attorney General Wayne Stenehjem  
600 E. Boulevard Avenue  
Dept. 125  
Bismarck, ND 58505  
NDAG@nd.gov

Re: Data Security Incident

Dear Attorney General Stenehjem:

Wilson Elser Moskowitz Edelman and Dicker LLP (“Wilson Elser”) represents Gymshark Limited (“Gymshark”) with regard to a data security incident (hereinafter, the “Incident”) involving Shopify Inc. (“Shopify”) described in more detail below.

Gymshark is an online fitness apparel store based in the United Kingdom, and Shopify is an e-commerce website hosting platform that is used by Gymshark and many other merchants. Gymshark operates globally and has several dedicated online stores for specific regions of the world, including the United States.

**1. Nature of the security Incident.**

On Friday, September 18, 2020 Shopify first informed Gymshark, as well as around two hundred (200) other Shopify merchants, about a data security incident that occurred on the Shopify platform. Specifically, Shopify informed Gymshark that personal information belonging to Gymshark’s customers was accessed in an unauthorized fashion by Philippines-based Shopify contractors. The potentially-impacted Gymshark customers include resident of the State of North Dakota, as described below. The personal information that was affected includes Gymshark customers’ names, addresses, dates of birth and partial payment card numbers. Shopify has assured Gymshark that Gymshark customer account passwords and complete credit card and debit card information was not obtained as a result of the incident.

**2. Number of North Dakota residents affected.**

According to information Gymshark received from Shopify, six thousand three hundred forty-two (6,342) North Dakota residents were potentially affected by this Incident. Of this population, one thousand five hundred twenty-three (1,523) individuals’ dates of birth were exposed. Gymshark first notified affected residents of North Dakota of the Incident on October 5, 2020, via email. Residents of North Dakota whose dates of birth were exposed as a result of the Incident will receive an additional incident notification letter from Gymshark, mailed to their home address, on or about October 13, 2020. A sample copy of the Incident notification email that was sent to potentially affected residents of North Dakota on October 5, 2020 is included with this letter at **Exhibit A**.

### 3. Steps taken.

Gymshark takes the security of all information in its control very seriously, and is taking steps to mitigate the risks posed by this incident. Specifically, immediately after learning about this incident Gymshark communicated with Shopify, carried out exhaustive internal investigations and engaged an external third-party forensics team to conduct an investigation and learn more about the incident. Gymshark has encouraged North Dakota residents to remain vigilant in response to this incident and also provided an addendum to affected residents which includes additional information and steps North Dakota residents can take to further safeguard their personal information.

### 4. Contact information.

Gymshark remains dedicated to protecting the sensitive information in its control. If you have any questions or need additional information, please do not hesitate to contact me at [Anjali.Das@WilsonElser.com](mailto:Anjali.Das@WilsonElser.com) or (312) 821-6164.

Very truly yours,

**Wilson Elser Moskowitz Edelman & Dicker LLP**



Anjali C. Das

Enclosure

## **EXHIBIT A**

**Subject Heading: Important notice about your Data**  
**Preview: A message from our CEO Steve Hewitt**

Hey [Name],

We only ever want to hit your inbox with positivity and awesome new products, but we need to get a little serious for a second. Here's the lowdown:

Our website platform is hosted by our e-commerce partner, Shopify. Recently, there was an incident at Shopify involving the data it collects and holds for us, as well as around 200 other Shopify merchants. First of all, before you sweat too much...

This data does **not** include:

- Full payment card numbers
- CVV numbers
- Passwords

But it **does** include:

- Name
- Date of Birth
- Email address
- Postal address
- Telephone number
- First and last few numbers of payment card (again, **not** the full payment card number)
- Other information related to orders

In this case, we're sorry to say that your data was involved in the incident. There's nothing pressing that you need to do, as your financial information and password are safe. Just a heads up, though, that you may be more exposed to illegitimate communications (such as scam emails or messages), so please be super conscious of that, especially if you receive anything that seems strange or claims to be from Gymshark. We will be following this email up with a similar postal notification to your door though, so that's something you should expect from us in the near future.

You may have some questions, and understandably so, so we've put together a quickfire Q&A below, and we've set up a bespoke live chat service for any questions we haven't covered at <http://notice.gymshark.com/>.

Again, we're really sorry to have to tell you this, but please know that we, and Shopify, are taking this very seriously. The Gymshark family – and its trust in us – is our first, last and everything in between. We'll honour that here.

**Steve Hewitt**  
CEO

## **Customer Q&A**

### **So, what exactly has happened?**

Shopify have told us that two rogue members of its support team were involved in a plan to obtain customer transactional records. You can read more about the details of the incident [here](#).

**What's Shopify doing about it?**

As soon as Shopify discovered what happened, it launched an investigation with law enforcement and third-party experts in data and cyber forensics to understand what information was taken, how it was taken and who it was taken by.

**How could this happen?**

That's a good question, and it's one we've asked Shopify. We need to let their team finish the investigation and work with law enforcement before we get the answer, but we're keeping in very close contact with Shopify to protect your data going forward.

**How can you be sure that my full credit card details haven't been taken?**

Shopify doesn't handle payments for Gymshark purchases, meaning they don't actually have access to full payment card details. We use separate partners to handle card payments which haven't been affected by this incident at Shopify. We're confident full card numbers and CVV numbers weren't taken.

**Am I safe to shop the Gymshark website now?**

Absolutely! We understand that this incident wasn't the result of a technical fault in the Shopify platform – it's simply down to two rogue Shopify employees, and their access and employment has now been terminated. We're in close contact with Shopify, and we're confident this incident is being dealt with thoroughly.

**What should I do?**

Your financial information and password are safe. Please just be super conscious of any emails or other communications that you aren't expecting or that look different than normal.

**My friend/family member bought something from Gymshark but hasn't received this email. How come?**

We're actively emailing all Gymshark customers who've been affected by this incident. If your friends or family members haven't heard from us, it's because there's nothing for them to hear and their data hasn't been affected.

---ends---