



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

Gregory J. Bautista
Office: (267) 930-1509
Fax: (267) 930-4771
Email: gbautista@mullen.law

1127 High Ridge Road, #301
Stamford, CT 06905

November 11, 2020

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 Forward Air Corporation (“Forward Air”), located at 1915 Snapps Ferry Road, Building N, Greeneville, TN 37745, and are writing to notify your Office of an incident that may affect the security of some personal information relating to eight (8) North Dakota residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Forward Air does not waive any rights or defenses regarding the applicability of North Dakota law, the applicability of the North Dakota data event notification statute, or personal jurisdiction.

Nature of the Data Event

On or about June 24, 2020, Forward Air discovered suspicious activity related to certain Forward Air employee email accounts. Upon learning of this activity, Forward Air immediately took steps to secure the accounts and began an investigation, which included working with third-party forensic investigators to determine the nature and scope of the activity. Through this investigation Forward Air determined that an unknown actor gained unauthorized access to certain Forward Air employee email accounts on separate occasions between June 20, 2020 and June 26, 2020. During this limited timeframe, the unauthorized actor could have had access to certain emails and attachments within the account.

While the investigation was able to determine these email accounts were accessed, it was unable to determine what emails and/or attachments were actually accessed. As a result, on or about September 8, 2020, with the assistance of third-party forensics, Forward Air completed a review of the contents of the

email accounts to confirm the presence of any protected information contained in the email accounts and to whom the information relates. Forward Air then immediately commenced a review of its files to ascertain address information for the impacted individuals. The information which may have been accessible as a result of this incident includes name and medical history/treatment/insurance information. This information was not the same for each individual who was impacted.

Notice to North Dakota Residents

On or about November 11, 2020, Forward Air provided written notice of this incident to affected individuals, which includes eight (8) 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 discovering the event, Forward Air moved quickly to investigate and respond to the incident, assess the security of Forward Air email accounts and relevant systems, and notify potentially affected individuals. Forward Air is also working to implement additional safeguards and training to its employees.

While Forward Air is not aware of any actual or attempted misuse of this information, Forward Air is providing access to credit monitoring services for one (1) year, through Kroll, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Forward Air is providing impacted 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) 930-1509.

Very truly yours,



Gregory J. Bautista of
MULLEN COUGHLIN LLC

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 <<first_name>> <<middle_name>> <<last_name>> <<suffix>>,

Forward Air Corporation (“Forward Air”) is writing to inform you of a recent incident that may impact the security of some of your personal information. While we are unaware of any actual or attempted misuse of your personal information, we are providing you with information about the incident, our response, and steps you may take to better protect against the possibility of identity theft and fraud, should you feel it is necessary to do so.

What Happened? On or about June 24, 2020, Forward Air discovered suspicious activity related to certain Forward Air employee email accounts. Upon learning of this activity, we immediately took steps to secure the accounts and began an investigation, which included working with third-party forensic investigators to determine the nature and scope of the activity. Through this investigation we determined that an unknown actor gained unauthorized access to certain Forward Air employee email accounts on separate occasions between June 20, 2020 and June 26, 2020. During this limited timeframe, the unauthorized actor could have had access to certain emails and attachments within the account.

What Information Was Involved? On September 8, 2020, with the assistance of third-party forensics, Forward Air completed a review of the contents of the email accounts to confirm the presence of any protected information contained in the email accounts and to whom the information relates. Forward Air then immediately commenced a review of its files to ascertain address information for the impacted individuals. Our review confirmed that your <<b2b_text_1 (Impacted Data)>> were present in one of the email accounts at the time of this incident. To date, Forward Air has not received any reports of actual or attempted misuse of your information.

What We Are Doing. The confidentiality, privacy, and security of information in our care is one of our highest priorities and we take this incident very seriously. When we discovered this incident, we immediately reset the account password and took steps to determine what personal data was at risk. We also confirmed the security of our employee email accounts and related systems. As part of our ongoing commitment to the security of personal information in our care, we are working to review our existing policies and procedures, to implement additional safeguards, and to provide additional training to our employees on data privacy and security. We will also be notifying state regulators, as required.

As an added precaution, we are also offering you complimentary access to twelve (12) months of credit monitoring, fraud consultation and identity theft restoration services through Kroll. We encourage you to activate these services, as we are not able to activate them on your behalf. Please review the instructions contained in the attached *Steps You Can Take to Help Protect Your Information* for additional information on these services.

What You Can Do. You may review the enclosed *Steps You Can Take to Help Protect Your Information*, which contains information on what you can do to better protect against the possibility of identity theft and fraud, should you feel it is appropriate to do so. You may also activate the complimentary identity monitoring services we are offering.

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 Forward Air at our dedicated assistance line at 1-???-???-???? between the hours of 8:00 a.m. and 5:30 p.m. Central Time, Monday through Friday. You may also write to Forward Air at 1915 Snapps Ferry Road, Building N, Greeneville, TN 37745.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Tomasello', with a long horizontal stroke extending to the right.

Jay Tomasello
Chief Information Officer
Forward Air Corporation

STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

Activate Identity Monitoring

Visit <https://enroll.idheadquarters.com> to activate and take advantage of your identity monitoring services.

You have until **February 8, 2021** to activate your identity monitoring services.

Membership Number: <<Member ID>>

Additional information describing your services is included with this letter.

Monitor Accounts

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

P.O. 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

P.O. 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-report/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); 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 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/>.

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 XX Rhode Island residents impacted by this incident.](#)

TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES

You have been provided with access to the following services 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 will be able to help you determine if it is an indicator of identity theft.

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 will be able to dig deep to uncover the scope of the identity theft, and then work to resolve it.

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.