



MULLEN  
COUGHLIN<sub>LLC</sub>  
ATTORNEYS AT LAW

Matthew V. Toldero  
Office: (267) 930-4554  
Fax: (267) 930-4771  
Email: mtoldero@mullen.law

426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

May 27, 2021

**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](mailto:ndag@nd.gov)

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent Plains Commerce Bank (“PCB”) located at 3905 W. 49<sup>th</sup> Street, Sioux Falls, South Dakota 57106, and are writing to notify your office of an incident that may affect the security of some personal information relating to three hundred seventy-five (375) North Dakota residents. The investigation into this matter is ongoing, and this notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, PCB 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 January 12, 2021, PCB discovered suspicious activity related to an employee’s email account. PCB immediately launched an investigation to determine the nature and scope of the activity and confirm the security of relevant systems. Working with third-party forensic investigators, on January 20, 2021, the investigation confirmed that an unknown perpetrator may have gained access to certain employee email accounts between December 10, 2020 and January 15, 2021. Upon learning of this event, PCB immediately took steps to secure their systems. PCB also undertook efforts to review the general types of information present in the email accounts and locate the address information for those individuals whose information might have been present in the email accounts at the time of this event. On April 27, 2021, PCB completed this review and determined that information of certain residents may have been accessible. The information that could have been subject to unauthorized access includes: name; address; Social Security number; loan information; financial account information and any other information provided as part of a mortgage loan application. The types of information listed above were not necessarily impacted for everyone.

### **Notice to North Dakota Residents**

While access to personal information has not been confirmed, on or about May 27, 2021, PCB provided written notice of this incident to all potentially affected individuals, which includes three hundred seventy-five (375) North Dakota residents, out of an abundance of caution. 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, PCB moved quickly to investigate and respond to the incident, assess the security of PCB systems, and notify potentially affected individuals. PCB is also working to implement additional safeguards and training to its employees. PCB is providing access to credit monitoring services for twelve (12) months, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, PCB is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. PCB is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, 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. PCB is also providing written notice of this incident to other state regulators, as necessary.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4554.

Very truly yours,

A handwritten signature in blue ink that reads "Matthew V. Toldero". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Matthew V. Toldero of  
MULLEN COUGHLIN LLC

MVT/aad  
Enclosure

# **EXHIBIT A**



Return Mail Processing  
 PO Box 589  
 Claysburg, PA 16625-0589

May 27, 2021

G4939-L01-0000001 T00001 P001 \*\*\*\*\*AUTO\*\*MIXED AADC 159



SAMPLE A. SAMPLE - L01 INDIVIDUAL  
 APT ABC  
 123 ANY ST  
 ANYTOWN, ST 12345-6789



**NOTICE OF DATA BREACH**

Dear Sample A. Sample:

Plains Commerce Bank is writing to inform you of an incident that may affect the security of some of your personal information. This notice provides information about the incident, our response, and resources available to you to help protect your information from possible misuse.

**What Happened?** Plains Commerce Bank discovered suspicious activity related to an employee’s email account. We immediately launched an investigation to determine the nature and scope of the activity and confirm the security of relevant systems. Working with third-party forensic investigators, on January 20, 2021, we confirmed that an unknown perpetrator may have gained access to ten employee email accounts between December 10, 2020 and January 15, 2021. Upon learning of this event, we immediately took steps to secure our systems. Plains Commerce Bank also undertook efforts to review the general types of information present in the email accounts and locate the address information for those individuals whose information might have been present in the email accounts at the time of this event. On April 27, 2021, we completed this review and determined your information may have been accessible. While access to your personal information has not been confirmed, we are providing you this notification out of an abundance of caution.

**What Information Was Involved?** Plains Commerce Bank determined that the following types of your information may have been subject to unauthorized access or acquisition: name; address; Social Security number; loan information; financial account information and any other information you may have provided as part of your mortgage loan application. The types of information listed above were not necessarily impacted for everyone.

**What We Are Doing.** We take the confidentiality, privacy, and security of information in our care very seriously. While we have security measures in place to protect information in our care, we are also taking steps to implement additional safeguards and review our policies and procedures in order to ensure we protect the security of information on our systems.

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While we have no evidence of any misuse of your information related to this event, we would like to offer you access to complimentary credit monitoring and identity protection services for 12 months through Experian. If you wish to activate the credit monitoring and identity protection services, you may follow the instructions included in the *Steps You Can Take to Help Protect Your Information* at the end of this letter.

**What You Can Do.** We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity. You may also review the information contained in the attached *Steps You Can Take to Help Protect Your 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 (888) 401-0543 between the hours of 8 a.m. and 10 p.m. Central, Monday - Friday, and 10 a.m. and 7 p.m. Central, Saturday and Sunday. You may also write to Plains Commerce Bank at 3905 W. 49<sup>th</sup> St., Sioux Falls, SD 57106.

Sincerely,

*Stephen Hageman*

Stephen Hageman  
Plains Commerce Bank

## STEPS YOU CAN TAKE TO PROTECT PERSONAL INFORMATION

### Enroll in Credit Monitoring Services:

To help protect your identity, we are offering a complimentary 12-month membership of Experian's® IdentityWorks<sup>SM</sup>. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information please follow the steps below:

- Ensure that you **enroll by: August 31, 2021** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at (888) 401-0543 by **August 31, 2021**. Be prepared to provide engagement number **B013114** as proof of eligibility for the identity restoration services by Experian.

### **Additional details regarding your 12-month Experian IdentityWorks Membership:**

A credit card is **not** required for enrollment in Experian IdentityWorks.

You can contact Experian **immediately** regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration agents are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE<sup>TM</sup>:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **Up to \$1 Million Identity Theft Insurance<sup>†</sup>:** Provides coverage for certain costs and unauthorized electronic fund transfers.

If you believe there was fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at (888) 401-0543. If, after discussing your situation with an agent, it is determined that Identity Restoration support is needed, then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that this Identity Restoration support is available to you for 12 months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration). You will also find self-help tips and information about identity protection at this site.

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\* Offline members will be eligible to call for additional reports quarterly after enrolling.

† The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.



## **Monitor Your Accounts**

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended “fraud alert” on a credit 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 three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit 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 credit 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 credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to 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, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
888-298-0045	1-888-397-3742	833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

## **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://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 Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and [www.oag.state.md.us](http://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 bureaus 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](http://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 New York residents*, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

*For North Carolina residents*, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and [www.ncdoj.gov](http://www.ncdoj.gov).

*For Rhode Island residents*, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; [www.riag.ri.gov](http://www.riag.ri.gov); and 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.

