



Main Office  
500 Rutherford Avenue, Suite 210  
Charlestown, MA 02129-1628  
Phone 617-679-MTRS (6877)  
Fax 617-679-1661

Western Regional Office  
One Monarch Place, Suite 510  
Springfield, MA 01144-4028  
Phone 413-784-1711  
Fax 413-784-1707

17346

Online [mass.gov/mtrs](http://mass.gov/mtrs)



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**Executive Director**

Erika M. Glaster

July 8, 2020

Sara Cable, Esq.  
Director of Data, Privacy and Security  
Office of the Attorney General  
Consumer Protection Division  
One Ashburton Place  
Boston, MA 02108

Re: Notification of Unauthorized Release of Confidential Information

Dear Attorney Cable:

I am writing pursuant to the requirements of G.L. c. 93H, s. 3 in order to notify you of the unauthorized release of confidential information concerning member's of the Massachusetts Teachers' Retirement System (MTRS).

**I. Summary of the event**

The event in question concerns the unauthorized disclosure of confidential records related to the following members of the MTRS:

1. [REDACTED] (an MTRS member seeking disability retirement benefits)
2. [REDACTED] (an MTRS member seeking disability retirement benefits)
3. [REDACTED] (a retired MTRS member who has a pending overearnings matter)
4. [REDACTED] (a former MTRS member)<sup>1</sup>

On June 19, 2020, MTRS legal staff ("legal") emailed MTRS IT Staff ("IT") to send confidential files to three separate attorneys (outside of MTRS) who are representing the above named members in matters before the MTRS.<sup>2</sup> The email listed the name of the file, the name of the intended recipient and the recipient's email address (See attached email). IT misunderstood the email and, on June 22, 2020 at approximately 1:00 pm, sent out one link containing all the files.<sup>3</sup> IT shared a copy of the link with Legal, but did not copy Legal on the emails sent out to the outside attorneys. As a result, Legal was unaware the file had been sent out to the attorneys. However, at approximately 3:45 pm on June 22, 2020, Legal became

<sup>1</sup> [REDACTED] is no longer a member of the MTRS and her records were obtained in error in conjunction with the pending overpayment matter related to [REDACTED]

<sup>2</sup> These files contained confidential medical records, tax records and Social Security Numbers.

<sup>3</sup> The emails sent out did not contain the files, but rather contained a secure link to download the files.

aware that IT intended to send out one file link for all the confidential files. Legal immediately emailed IT that this was an error and needed to be corrected. Shortly after sending this email, Legal and IT spoke via telephone to discuss the issue. Following this conversation, IT took down the link containing all the files. Additionally, IT set-up separate links for the attorneys to download only the confidential files for which they were authorized to receive and these links were sent out by a separate email.

On June 30, 2020 at approximately 5:30 pm, one of the attorneys who had been sent secure files on June 19, 2020 contacted Legal to notify them that he had received confidential medical records unrelated to his client's matter. Upon opening this email on July 1, 2020 at approximately 8:30 am, Legal learned that the original link containing all of the files had been sent out and that there had been an at least one unauthorized release of confidential information.

## **II. MTRS Response**

Immediately, upon learning that confidential medical records had been provided to an unauthorized attorney, Legal instructed that attorney to delete and destroy all records unrelated to his clients matter. Additionally, Legal contacted IT to determine what the full extent of the unauthorized disclosure was. On July 1, 2020, at approximately 12:00 pm, IT informed Legal that the original link containing all the files had been sent out to all three attorneys and that it may have been downloaded by two of those attorneys. Upon learning that another attorney may have accessed confidential records unrelated to their client's matters, Legal contacted the other identified attorney to delete and destroy any such records she may have received. At this time, Legal also informed Executive Staff of the unauthorized disclosure of confidential records.

On July 2, 2020 at approximately 5:00 pm, executive staff requested a copy of the original file link's download log from IT to confirm the full extent of the breach.

On July 8, 2020 at approximately 10:00 am, IT provided the requested log. The log confirmed the only attorney's to access the original file link was Attorney Stephen Judge (BBO No. 563390) and Attorney Jacqueline Hartley (BBO No. 688446). As noted above, each of these attorneys have been instructed to destroy and delete all records unrelated to their clients matters. Each attorney has confirmed receipt of our emails notifying them of this request to destroy and delete any unrelated confidential records.

On July 8, 2020 Legal issued notification letters to all member's whose information was involved.

Since the security event occurred, the MTRS has modified its internal process of sending secure files outside of the agency to greatly reduce the chances that any similar mistaken disclosure occurs again.

Please feel free to contact me if you require any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "James O'Leary".

James O'Leary

General Counsel

617-679-6838

[james.oleary@trb.state.ma.us](mailto:james.oleary@trb.state.ma.us)

cc: Sean Vinck, Esq. General Counsel  
Executive Office of Technology Services and Security  
1 Ashburton Place #804  
Boston, MA 02108



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Erika M. Glaster

July 8, 2020



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Because your personal information has been released to an unauthorized person for an unauthorized purpose, we have reported the event to the Massachusetts Attorney General's Office. As there has been an unauthorized release of your confidential information, we encourage you to monitor your bank or other financial service providers to ensure that no attempts are made to access or alter your accounts.

Massachusetts victims of identity theft have the right to file a police report and obtain a copy of it. Massachusetts law also allows consumers to place a security freeze on their credit reports. A credit freeze stops a thief from opening a new credit card or loan in your name. Request a freeze from each of the three credit reporting agencies, Experian, Equifax, and Transunion. You may be asked to pay a small fee to place a freeze on your credit, but credit reporting agencies cannot charge you to place, temporarily lift, or remove a security freeze if you are a victim of identity theft and you provide a valid police report.

A credit freeze also stops businesses from checking your credit, so you may need to temporarily lift your credit freeze before:



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- Applying for any type of loan, mortgage, or credit card
- Applying for insurance
- Switching or starting a new utility service or phone line
- Applying for a job
- Renting an apartment

To place a credit freeze with the major credit reporting agencies, call each agency or visit their websites. Each credit agency has specific requirements for placing a credit freeze, so review the agencies' information first.

• Equifax: 800-349-9960 or  
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The credit agencies have three business days after receiving your request to place a freeze on your credit report. The credit agencies must send written confirmation to you within five business days and provide you with a personal identification number (PIN) or password that you will use to temporarily lift or remove a credit freeze.

Please feel free to contact me if you require any further information.

Sincerely,

James O'Leary  
General Counsel  
617-679-6838  
[james.oleary@trb.state.ma.us](mailto:james.oleary@trb.state.ma.us)



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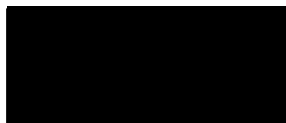
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Sincerely,

A handwritten signature in black ink, appearing to read "James O'Leary" followed by a stylized monogram or initials.

James O'Leary  
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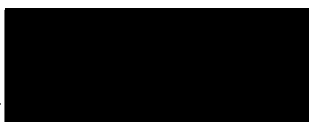
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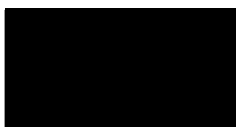
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