

From: George M. Fleming <smweb@fleming-law.com>

Sent: Thursday, March 2, 2023 2:51 PM

To:

Subject: NOTICE OF DATA BREACH

Client Email ID: FNJ-2800

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FLEMING, NOLEN & JEZ, L.L.P.

2800 Post Oak Boulevard, Suite 4000

Houston, Texas 77056-6109

March 2, 2023

Via Electronic Mail to: rharrington@fleming-law.com

NOTICE OF DATA BREACH

Dear Valued Client:

Fleming, Nolen, and Jez, L.L.P. (“FNJ”) is notifying you of a cybersecurity event that may have impacted some of your personal information. This notice provides information about the event, our response, and resources available to you to help protect your information from possible misuse, should you feel it necessary to do so. I am sending this notice to you by email: (1) to give you the fastest notification possible and (2) because as a client we have routinely communicated by e-mail in the past.

What Happened? On February 6, 2023, FNJ received communication from an unknown

third party claiming to have acquired a set of data from our information systems. While this incident did not impact the operability of our information systems or our ability to serve our clients, we immediately took steps to ensure the integrity of our information systems and investigate the scope of the incident. We also retained cybersecurity experts and cybersecurity legal counsel. With their help, we determined that an unknown third party initially accessed our network on or around January 26, 2023. We then began investigating what, if any, sensitive personal information may have been accessed or acquired in connection with the incident.

What Information Was Involved? Based on our investigation, it appears that the affected data set contained personal information, including name, contact information, date of birth, and in some cases medical records, claim information and Social Security number.

What We Are Doing. Upon learning of this incident, we immediately took steps to address the incident and confirm the security of our systems. We modified access controls, changed network passwords, and implemented additional security features. We also retained data security and forensic investigators and legal counsel to help lead our investigation. We also notified law enforcement.

Now that we have determined that your personal information was impacted as part of the incident, we are extending complementary credit monitoring offer to you. IDX identity protection services include: 24 months of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identification theft recovery services. With this protection, IDX will help you resolve issues if your identity is compromised.

What You Can Do. We encourage you to enroll in free IDX identity protection services by going to <https://app.idx.us/account-creation/protect> or calling 1-800-939-4170 and using the Enrollment Code provided above. IDX representatives are available Monday through Friday from 6 am - 6 pm Pacific Time. Please note the deadline to enroll is June 2, 2023. We encourage you to take full advantage of this service offering.

Your Activation Code:

Your Enrollment Deadline: **June 2, 2023**

For More Information. You will find detailed instructions for enrollment in the enclosed Recommended Steps document. Also, you will need to reference the enrollment code above when enrolling, so please do not delete this email. If you have any comments or

questions regarding the incident, please contact 1-800-939-4170.

Finally – For what you can do, please see the following recommended steps to help protect your information.

Sincerely,



George Fleming
Partner and Founder
Fleming, Nolen, and Jez, L.L.P.

Recommended Steps to Help Protect Your Information

- 1. Website and Enrollment.** Go to <https://response.idx.us/customending/> / <https://app.idx.us/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter.
- 2. Activate the credit monitoring** provided as part of your IDX identity protection membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, IDX will be able to assist you.
- 3. Telephone.** Contact IDX 1-800-939-4170 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.
- 4. Review your credit reports.** We recommend that you remain vigilant by reviewing account statements and monitoring credit reports. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three major credit reporting companies. To obtain a free annual credit report, go to www.annualcreditreport.com or call 1-877-322-8228. You may wish to stagger your requests so that you receive a free report by one of the three credit bureaus every four months.

If you discover any suspicious items and have enrolled in IDX identity protection, notify them immediately by calling or by logging into the IDX website and filing a request for help.

If you file a request for help or report suspicious activity, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop, and reverse the damage quickly. You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that you have been a victim. A police report is often required to dispute fraudulent items. You can report suspected incidents of identity theft to local law enforcement or to your State Attorney General.

5. Place Fraud Alerts with the three credit bureaus. If you choose to place a fraud alert, we recommend you do this after activating your credit monitoring. You can place a fraud alert at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. The contact information for all three bureaus is as follows:

Credit Bureaus

Equifax Fraud Reporting 1-866-349-5191 P.O. Box 105069 Atlanta, GA 30348-5069 www.equifax.com	Experian Fraud Reporting 1-888-397-3742 P.O. Box 9554 Allen, TX 75013-9554 www.experian.com	TransUnion Fraud Reporting 1-800-680-7289 P.O. Box 2000 Chester, PA 19022-2000 www.transunion.com
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It is necessary to contact only ONE of these bureaus and use only ONE of these methods. As soon as one of the three bureaus confirms your fraud alert, the others are notified to place alerts on their records as well. You will receive confirmation letters in the mail and will then be able to order all three credit reports, free of charge, for your review. An initial fraud alert will last for one year.

Please Note: No one is allowed to place a fraud alert on your credit report except

you.

6. Security Freeze. By placing a security freeze, someone who fraudulently acquires your personal identifying information will not be able to use that information to open new accounts or borrow money in your name. You will need to contact the three national credit reporting bureaus listed above to place the freeze. Keep in mind that when you place the freeze, you will not be able to borrow money, obtain instant credit, or get a new credit card until you temporarily lift or permanently remove the freeze. There is no cost to freeze or unfreeze your credit files.

7. You can obtain additional information about the steps you can take to avoid identity theft from the following agencies. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them.

California Residents: Visit the California Office of Privacy Protection (www.oag.ca.gov/privacy) for additional information on protection against identity theft.

Kentucky Residents: Office of the Attorney General of Kentucky, 700 Capitol Avenue, Suite 118 Frankfort, Kentucky 40601, www.ag.ky.gov, Telephone: 1-502-696-5300.

Maryland Residents: Office of the Attorney General of Maryland, Consumer Protection Division 200 St. Paul Place Baltimore, MD 21202, www.oag.state.md.us/Consumer, Telephone: 1-888-743-0023.

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 a 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. You can 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.

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/>.

North Carolina Residents: Office of the Attorney General of North Carolina, 9001 Mail Service Center Raleigh, NC 27699-9001, www.ncdoj.gov, Telephone: 1-919-716-6400.

Oregon Residents: Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, www.doj.state.or.us/, Telephone: 877-877-9392

Rhode Island Residents: Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, www.riag.ri.gov, Telephone: 401-274-4400

All US Residents: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, www.consumer.gov/idtheft, 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.

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