

SAMPLE LETTER TO ATTORNEY GENERAL

Date

Attorney General Andrea Joy Campbell
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Dear Attorney General Campbell:

Pursuant to M.G.L. c. 93H, we are writing to notify you of data security incident involving [number] Massachusetts resident[s]. [*If applicable*: This notice provides updated information relating to an incident previously reported to your Office on [date].]

IDENTIFICATION OF PARTIES

[This paragraph should identify all parties involved in the incident and the reporting of the incident. If the party reporting this incident is different from the entity that experienced it, provide the name and address of that entity that experienced the incident, and describe your relationship to it and the nature of your entity's goods or services (e.g. law firm, service provider). If known, also identify the person responsible for the incident].

NATURE OF THE DATA SECURITY INCIDENT

[This paragraph should provide the date of the incident, a description of the nature of the incident, a description of the categories of personal information and/or other data involved in the incident, and disclose whether the personal information and/or other data that was the subject of the incident was in electronic or paper form, and if in electronic form, whether it or the media on which it was stored was encrypted. Finally, indicate whether you are aware of any resulting identity theft, fraud, or financial losses to consumers].

NUMBER OF MASSACHUSETTS RESIDENTS AFFECTED

[This paragraph should specify the number of affected individuals residing in Massachusetts whose personal information was the subject of the incident, as known at the time of this notification. This paragraph should also indicate that these Massachusetts residents have received or will shortly receive notice pursuant to M.G.L. c. 93H, s. 3(b) and should specify the manner in which Massachusetts residents have or will receive such notice. You must also include a copy of the notice to affected Massachusetts residents along with your notification to the Attorney General].

STEPS YOU HAVE TAKEN OR PLAN TO TAKE RELATING TO THE INCIDENT

[This paragraph should outline all the steps you have taken or plan to take relating to the incident including, without limitation, what you did when you discovered the incident; whether you have reported the incident to law enforcement; whether you have any evidence that the personal information has been used for fraudulent purposes; whether you intend to offer credit monitoring services to consumers; and what measures you have taken to ensure that similar incidents do not occur in the future.

This paragraph should further indicate whether the person or agency affected by the incident maintained, at the time of the incident, a written information security program (*see* 201 CMR

17.00 *et seq.*), and whether the person or agency has made any changes to that program as a result of the incident.]

MANDATORY CREDIT MONITORING [IF APPLICABLE]

[If the information affected by the incident includes social security numbers, the entity must provide affected consumers, free of charge, at least 18 months (at least 42 months if the entity is a consumer reporting agency) of credit monitoring services. If you are subject to this requirement, this paragraph should describe the credit monitoring services provided, including the length of such services and the provider of those services; how and for how long consumers can obtain those services; any criteria used to determine a consumer's eligibility for such services; and confirmation that consumers were not asked or required to waive any right of private action as a condition of accepting the credit monitoring services. You must also certify your compliance with this requirement, as set forth below]

OTHER NOTIFICATION AND CONTACT INFORMATION

[Finally, your letter should indicate whether you have provided similar notification to the Director of Consumer Affairs and Business Regulation. You should also include the name, title, and direct contact information for the person whom the Office of the Attorney General may contact if we have any questions or need further information.]

Sincerely,

Name

Title

Contact Information

Certification of Credit Monitoring Services [If applicable]

On behalf of [entity], I hereby certify that credit monitoring services were provided to consumers in compliance with G.L. c. 93H, section 3A.

Name

Title

Contact Information