

**POOLE ■ SHAFFERY**

ATTORNEYS AT LAW

Writer's email: [mlittle@pooleshaffery.com](mailto:mlittle@pooleshaffery.com)

November 15, 2018

**VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Consumer Protection Division  
Security Breach Notifications  
Office of the Attorney General of Iowa  
1305 E. Walnut Street  
Des Moines, Iowa 50319-0106

**RE: DATA BREACH NOTIFICATION**

To Office of the Attorney General of Iowa:

Our office represents Theyy, LLC ("Theyy"), a California e-commerce business that operates a commercial website at [www.elementvape.com](http://www.elementvape.com) (the "Website"). Please allow this correspondence to serve as written notice to the Attorney General of a data breach involving Iowa consumers.

Theyy is committed to maintaining and protecting the security and privacy of its customers and is taking steps to prevent a similar incident from occurring in the future. Please note that the information provided in this notification is based upon information currently known to Theyy and is subject to change as the investigation of the subject data breach is ongoing. At this time, Theyy has no evidence that any customer data or personal information has been used inappropriately.

**Description of the Breach Event**

On or about September 20, 2018, Theyy discovered that a third-party intruder inserted malicious codes into the Website's shopping cart e-commerce software platform creating a window of intrusion between December 6, 2017 and June 27, 2018 wherein the personal information of Theyy's customers who made transactions on the Website may have been at risk of unauthorized access. Theyy conducted an investigation into the breach event and removed the malicious code from the e-commerce platform and vulnerabilities were mitigated.

**Number of Consumers Potentially Affected by the Breach Event**

Theyy ran a search of all consumer transactions that took place on the Website during the window of intrusion. On or about the week of October 1, 2018, it was determined that approximately 3,997 Iowa consumers out of a total of 226,000 U.S.-based consumers were potentially affected by the data breach.

**Information Potentially At-Risk**

While it has not been confirmed that any personal information was in fact taken by the third-party intruder, Theyy determined that credit card information of customers who made transactions on the Website between December 6, 2017 and June 27, 2018 was at-risk.

Office of the Attorney General  
State of Iowa  
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**What We Are Doing: Notice to Iowa Consumers &  
Services Offered To Affected Consumers (Without Charge)**

They's takes this incident very seriously and has taken affirmative steps to prevent a similar breach from occurring in the future. These steps included implementing security patches to the shopping cart, removing the malicious code from They's e-commerce platform, and mitigating vulnerabilities with the Website by, among other things, increasing security monitoring along with existing SSL encryption technology for all transactions on the Website.

It is our understanding that federal law enforcement is aware of this incident. We have also notified the Los Angeles Police Department – Computer Crimes Unit.

In compliance with state data breach notification laws and to protect affected consumers in Iowa, They's issued written notification by U.S. Mail on a rolling basis to affected Iowa consumers starting on November 2, 2018 and continuing on November 5, 2018. For your reference, a sample notification letter is enclosed herein.

In order to help relieve any concerns and to assist Iowa residents, They's has contracted with an industry leading credit and identity theft monitoring and remediation provider to provide one year of credit and identity theft monitoring and remediation services to affected Iowa residents at no cost to them.

If additional information is needed, please feel free to contact counsel for They's, LLC:

Michael S. Little, Esq.  
Poole & Shaffery, LLP  
25350 Magic Mountain Parkway, Suite 250  
Santa Clarita, CA 91355  
Phone: (661) 290-2991  
Fax: (661) 290-3338

Sincerely,

  
Michael S. Little

MSL/

Enclosure:                    Sample Data Breach Notification Letter to Consumers



November 2, 2018

417 1 93621 \*\*\*\*\*AUTO\*\*ALL FOR AADC 290

Test2 Member  
1304 South Test Street  
PO Box Test  
Mullins, SC 29574-0703



**NOTICE OF DATA BREACH**

Dear Test2 Member,

Thesey, LLC is committed to maintaining and protecting the security and privacy of the personal information provided to us by our customers. We are writing to inform you of an incident potentially involving the disclosure of information you provided to us. While we have no evidence that any of your information has been used inappropriately, we wanted to notify you of this incident and advise you of steps we have taken in response.

**What Happened?**

On September 20, 2018, we discovered that a third-party intruder inserted malicious codes into our website's e-commerce software platform creating a window of intrusion between December 6, 2017 and June 27, 2018 wherein personal information of our customers may have been accessed. We immediately conducted an investigation into this matter wherein the breach was contained on June 27, 2018 and the malicious code was removed from our e-commerce platform and vulnerabilities were mitigated.

**What Information Was Involved?**

While it has not been confirmed that any personal information was in fact taken by the third-party intruder, we determined that credit card information of customers who made transactions on our website between December 6, 2017 and June 27, 2018 was at-risk.

**What We Are Doing.**

We deeply regret this incident occurred and any inconvenience or concern this may cause you. To date, we are not aware of any reports of identity fraud resulting from this incident nor do we have any evidence to suggest that your personal information has actually been misused. We take our obligation to safeguard your personal information very seriously and have implemented measures to help prevent this type of issue in the future. For your protection and security, we have also notified law enforcement of the incident. We wanted to make you aware that your personal information may be in the possession of an unauthorized individual and explain the steps we are taking to safeguard you against identity theft.

In order to help relieve any such concerns and restore confidence following this incident, we have contracted with LifeLock, a Symantec company, to make available at no cost to you for one year its LifeLock Defender™ Preferred solution. As you may be aware, LifeLock is an industry leader in providing credit and identity theft monitoring and remediation services and products. Their incident response team has extensive experience in assisting people who have sustained an unintentional exposure of their personal information.

LifeLock Defender™ Preferred is specifically designed to protect your personal information as well as your financial standing and personal identity. In the unlikely event that you are impacted by this incident, LifeLock will take all steps necessary to respond to, remediate and rectify the situation.

**To activate your membership and get protection at no cost to you:**

1. Go to [www.LifeLock.com](http://www.LifeLock.com) and click on the red **START MEMBERSHIP** button.
2. You will be taken to another page where, below the three protection plan boxes, you can enter the promo code: [REDACTED] and click the **APPLY** button.
3. On the next page, enter your Member ID. (Your Member ID is 1234567).
4. Click the red **START YOUR MEMBERSHIP** button.
5. You will receive a confirmation email after enrollment (be sure to follow all directions in this email).

**You will have until December 30<sup>th</sup>, 2018 to enroll in this service.**

Once you have completed the LifeLock enrollment process, the service will be in effect. Your LifeLock Defender™ Preferred membership includes:

- ✓ LifeLock Identity Alert® System†
- ✓ Live, US-Based Priority Member Support 24/7
- ✓ Stolen Funds Reimbursement up to \$25,000 \*
- ✓ Personal Expense Compensation up to \$25,000 \*
- ✓ Service Guarantee for Lawyers and Experts up to \$1 million \*
- ✓ Identity Restoration Support
- ✓ Annual Three-Bureau Credit Reports & Credit Scores<sup>1</sup>  
The credit scores provided are VantageScore 3.0 credit scores based on Equifax, Experian and TransUnion respectively. Third parties use many different types of credit scores and are likely to use a different type of credit score to assess your creditworthiness.
- ✓ Three-Bureau Credit Monitoring<sup>1,2</sup>
- ✓ Address Change Verification
- ✓ Bank Account Takeover Alerts†
- ✓ Dark Web Monitoring
- ✓ Fictitious Identity Monitoring
- ✓ Credit Card, Checking and Savings Account Activity & Application Alerts†

<sup>1</sup> Credit reports, scores and credit monitoring may require an additional verification process and credit services will be withheld until such process is complete.

<sup>2</sup> For LifeLock Defender™ Preferred Three-bureau Credit monitoring, credit monitoring from Experian and TransUnion will take several days to begin.

† LifeLock does not monitor all transactions at all businesses.

\* Indicates features included within the Million Dollar Protection™ Package††† No one can prevent all identity theft.

We are also providing you with the attached Recommended Steps to help Protect your Information, which identifies other measures that you can take to protect yourself from identity theft. It also includes contact information for the Federal Trade Commission, state Attorneys General, and the three major credit bureaus, should you wish to contact them as well.

**What You Can Do.**

In addition to utilizing the LifeLock solution, which we strongly encourage you to take advantage of, we also caution you to be vigilant in protecting your personal information. By way of example, you might change all of your

website and computer passwords, check your bank and credit card statements to see if there have been any unusual or unauthorized transactions or activity, and take similar remedial measures that only you can do, as suggested on the attached document. You should also report any suspected incidents of identity theft to local law enforcement or the attorney general.

To protect yourself from the possibility of identity theft, we recommend that you immediately place a fraud alert on your credit files. A fraud alert conveys a special message to anyone requesting your credit report that you suspect you were a victim of fraud. When you or someone else attempts to open a credit account in your name, the lender should take measures to verify that you have authorized the request.

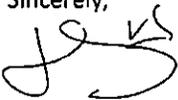
Please rest assured that our customers', employees' and their families' well-being and the security of your personal information are our highest priorities. We apologize for any inconvenience this incident may cause you and thank you for your understanding and patience.

**For More Information.**

If you have any questions or need additional information about this notice, we have set up a dedicated support line through LifeLock, available 24/7/365. Please feel free to give us a call at [REDACTED]

Protecting your information is important to us. We trust that the services we are offering to you demonstrate our continued commitment to your security and satisfaction.

Sincerely,



Kenny Sy  
CEO - Thesy, LLC  
[www.elementvape.com](http://www.elementvape.com)

**Recommended Steps to Help Protect Your Information**

It is recommended that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

You can obtain information from the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft. The FTC can be reached at:

Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Ave, NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)

**Fraud Alerts:** You can place fraud alerts with the three major credit bureaus by phone and also via their websites. 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 credit bureaus is below.

**Monitoring:** You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

**Security Freeze:** You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to make a request to each consumer reporting agency. You may make that request by certified mail, overnight mail, or regular stamped mail, or by following the instructions found at the websites listed below. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any

previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. The consumer reporting agency may charge a small fee to place, lift, or remove a freeze, but is free if you are a victim of identity theft or the spouse of a victim of identity theft, and you have submitted a valid police report relating to the identity theft incident to the consumer reporting agency.

You may obtain a security freeze by contacting any one or more of the following national consumer reporting agencies:

<b>Equifax Security Freeze</b>	<b>Experian Security Freeze</b>	<b>TransUnion (FVAD)</b>
P.O. Box 105788	P.O. Box 9554	P.O. Box 2000
Atlanta, GA 30348	Allen, TX 75013	Chester, PA 19022
<a href="http://www.freeze.equifax.com">www.freeze.equifax.com</a>	<a href="http://www.experian.com/freeze">www.experian.com/freeze</a>	<a href="http://freeze.transunion.com">http://freeze.transunion.com</a>
800-525-6285	888-397-3742	800-680-7289

**If you live in Maryland, please read the additional notice below that applies to you:**

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202  
1-888-743-0023  
[www.marylandattorneygeneral.gov](http://www.marylandattorneygeneral.gov)

**If you live in North Carolina, please read the additional notice below that applies to you:**

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

North Carolina Attorney General  
Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
(919) 716-6400  
<http://www.ncdoj.gov/Help-for-Victims/ID-Theft-Victims.aspx>

**If you live in Oregon, please read the additional notice below that applies to you:**

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

Oregon Attorney General  
Department of Justice - Consumer Protection  
1162 Court Street NE  
Salem, OR 97301  
(877) 877-9392  
<https://www.doj.state.or.us/consumer-protection/id-theft-data-breaches/data-breaches>

**If you live in Rhode Island, please read the additional notice below that applies to you:**

You can obtain information from your state's Attorney General Office about steps you can take to prevent identity theft.

Rhode Island Attorney General  
Consumer Protection Unit  
150 South Main Street  
Providence, RI 02903  
(401) 274-4400  
<http://www.riag.ri.gov/consumerprotection/about.php>