



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

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426 W. Lancaster Avenue, Suite 200  
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May 27, 2022

**VIA E-MAIL**

Office of the Attorney General of Iowa  
Consumer Protection Division  
Security Breach Notifications  
1305 E. Walnut Street  
Des Moines, Iowa 50319-0106  
E-mail: [consumer@ag.iowa.gov](mailto:consumer@ag.iowa.gov)

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent Lower LLC (“Lower”) located at 8621 Robert Fulton Drive, Suite 150 Columbia, MD 21046, and are writing to notify your office of an incident that may affect the security of certain personal information relating to one thousand three hundred eighteen (1,318) Iowa residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Lower does not waive any rights or defenses regarding the applicability of Iowa law, the applicability of the Iowa data event notification statute, or personal jurisdiction.

**Nature of the Data Event**

On December 14, 2021, Lower identified unusual activity on its network and began an investigation with the assistance of third-party forensic specialists. On December 17, 2021, the investigation determined that an unauthorized actor accessed the Lower network and removed certain files from the network sometime between December 10, 2021 and December 14, 2021. The investigation later identified suspicious activity relating to a limited number of employee email accounts between September 2, 2021 and December 16, 2021. Lower is in the process of reviewing the files and email accounts for sensitive information and are notifying individuals based on the facts known to date to ensure they are aware of this incident.

On or about April 28, 2022, Lower determined that the name and Social Security number of Iowa residents were present on involved systems. Lower also stores information in its systems such as

[Mullen.law](http://Mullen.law)

date of birth, driver's license number, and financial account number. Therefore, it is possible some of this information may have also been on an involved system if an individual provided it to Lower.

### **Notice to Iowa Residents**

Although the investigation is ongoing, on or about January 14, 2022, Lower began providing written notice of this incident to potentially affected individuals. Lower mailed additional notices on or about February 24, 2022, which included twenty-two (22) Iowa residents. Lower will continue with its notification efforts by mailing notices on May 27, 2022, to an additional one thousand two hundred ninety-six (1,296) Iowa residents in substantially the same form as the letter attached here as *Exhibit A*.

### **Other Steps Taken and To Be Taken**

Upon discovering unusual system activity, Lower launched an in-depth investigation with the assistance of third-party forensic specialists to determine the full nature and scope of this incident. Lower also notified law enforcement and is reviewing existing policies and procedures and implementing additional safeguards to further secure the information in its systems as appropriate. Lower is providing access to credit monitoring services for one (1) year, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

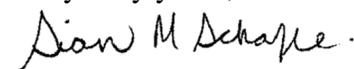
Additionally, Lower is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Lower is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting 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.

Lower is providing written notice of this incident to relevant state regulators, and supplemental notice to the three major credit reporting agencies, Equifax, Experian, and TransUnion.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4799.

Very truly yours,



Sian M. Schafle of  
MULLEN COUGHLIN LLC

SMS/dtg  
Enclosure

# **EXHIBIT A**

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

May 27, 2022



H9319-L03-0000001 T00001 P001 \*\*\*\*\*SCH 5-DIGIT 12345

SAMPLE A SAMPLE - L03 GENERAL

APT ABC

123 ANY STREET

ANYTOWN, ST 12345-6789



**Re: Notice of Data [Extra1]**

Dear Sample A. Sample:

Lower LLC (“Lower”) is writing to make you aware of an incident that may affect the security of some of your information. We take this incident seriously and write to provide you with information about the incident, what we are doing in response, and the resources that are available to you to help better protect your personal information from possible misuse, should you feel it is appropriate to do so.

**What Happened?** On December 14, 2021, Lower identified unusual activity on its network and began an investigation with the assistance of third-party forensic specialists. On December 17, 2021, the investigation determined that an unauthorized actor accessed the Lower network and removed certain files from the network sometime between December 10, 2021 and December 14, 2021. The investigation later identified suspicious activity relating to a limited number of employee email accounts between September 2, 2021 and December 16, 2021. We are in the process of reviewing the files and email accounts for sensitive information and are notifying individuals based on the facts known to date to ensure they are aware of this incident.

**What Information Was Involved?** On April 28, 2022, the ongoing review of the involved Lower systems identified your name and Social Security number. Lower also stores information on our systems such as date of birth, driver’s license number, and financial account number. Therefore, it is possible some of this information may have also been on an involved system if you provided it to Lower.

**What We Are Doing.** We take this incident and the security of information within our care seriously. Upon discovery of this incident, we launched an in-depth investigation with the assistance of third-party forensic specialists to determine the full nature and scope of this incident. As part of our ongoing commitment to the privacy of information in our care, we are reviewing our existing policies and procedures and implementing additional safeguards to further secure the information in our systems as appropriate. We notified law enforcement and are notifying regulatory authorities as required by law. We are also notifying potentially affected individuals, including you, so that you may take further steps to best protect your personal information, should you feel it is appropriate to do so. As an added precaution, we arranged to have Experian provide credit monitoring services for ## months at no cost to you.

**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 and to detect errors over the next 12 to 24 months. Please also review the information contained in the enclosed “*Steps You Can Take to Help Protect Your Personal Information.*” You may also enroll in the complimentary identity credit monitoring services we are making available to you. Enrollment instructions are attached to this letter.

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H9319-L03

**For More Information.** We understand you may have additional questions not addressed by this letter. If you have questions, please call our dedicated assistance line at (844) 866-3863 Monday through Friday 9 am – 11 pm EST, Saturday and Sunday 11 am – 8 pm CST (excluding major U.S. holidays).

Sincerely,

*Lower LLC*

## STEPS YOU CAN TAKE TO HELP PROTECT YOUR PERSONAL INFORMATION

### Enroll in Credit Monitoring

To help protect your identity, we are offering a complimentary ##-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, 2022** (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 **(844) 866-3863** by **August 31, 2022**. Be prepared to provide engagement number **ENGAGE#** as proof of eligibility for the identity restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR ##-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.

\* 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.

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 (844) 866-3863. 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 ## 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.



## **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 credit 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 fraud alert or 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>
1-888-298-0045	1-888-397-3742	1-833-395-6938
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**

As a general practice, we encourage individuals to frequently reset online account passwords, to use complex password combinations, and to not share passwords or use identical passwords for multiple online accounts. 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 District of Columbia residents*, the District of Columbia Attorney General may be contacted at: 400 6<sup>th</sup> Street, NW, Washington, D.C. 20001; 202-727-3400; and [oag@dc.gov](mailto:oag@dc.gov).

*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). Lower is located at 8621 Robert Fulton Drive, Suite 150 Columbia, MD 21046..

*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 2 Rhode Island residents impacted by this incident.



