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June 6, 2016

VIA U.S. MAIL
Office of the Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

Re: Notice of Data Event

Dear Sir or Madam:

We represent Empathia, Inc., N17 W24300 Riverwood Drive #300, Waukesha, Wisconsin 53188 ("Empathia") and are writing to notify your office of an incident that affects the security of personal information relating to six hundred and two (602) Washington residents. By providing this notice, Empathia does not waive any rights or defenses regarding the applicability of Washington law or personal jurisdiction.

Nature of Data Event

Empathia operates an Employee Assistance Program (EAP) for various companies nationwide. On January 30, 2016, Empathia discovered spam files on one of its data servers. Empathia removed the spam and immediately launched an investigation to determine the nature of the access and what data may have been stored on that server. Empathia also hired a third party forensic investigator to supplement its investigation. On or about March 23, 2016, the forensic investigator notified Empathia that the spam spread to a second domain on the same server. Further investigation revealed that the domain included several categories of personal information including:

- the name, address, phone number, and Social Security number certain individuals provided to Empathia when they submitted a request for a credit check in 2003 or 2004.
- the name, address and Social Security number of certain individuals provided by an Empathia client related to its employees.
- the name, address, phone number, date of birth, degree and licensure information, and Social Security number of certain Empathia contracted providers.

Empathia had no evidence that any of the data was accessed by an unauthorized individual, and is not aware of any actual or attempted misuse of the information. Further, there is no indication the

unauthorized access was for any purpose other than using Empathia's servers to spread spam emails. However, the forensic investigation was unable to exclude that such access occurred so it is providing notice to potentially affected individuals out of an abundance of caution.

Notice to Washington Residents

On June 3, 2016, Empathia began mailing notice letters to potentially affected individuals which provided details of the incident, information on steps individuals can take to protect against identity theft and fraud, access to one (1) year of free credit monitoring, and contact information individuals may use should they have questions or concerns. The affected individuals include six hundred and two (602) Washington residents. The notice will be provided in substantially the same form as the letter attached here as ***Exhibit A.***

Other Steps Taken and To Be Taken

Empathia is offering those individuals potentially impacted by this incident access to one (1) free year of credit and identity monitoring services, including identity restoration services, through AllClear ID. Additionally, Empathia is providing potentially affected individuals with information on how to better protect against identity theft and fraud, including 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, and encouragement to contact the Federal Trade Commission, state attorney general, and law enforcement to report attempted or actual identity theft and fraud. Empathia is also providing written notice of this incident to other state regulators where required.

Contact Information

Should you have any questions regarding this notification of other aspects of this event, please contact us at 215-977-4058.

Very truly yours,

James E. Prendergast of
LEWIS BRISBOIS BISGAARD & SMITH LLP

JEP:ncl
Enclosure
cc: Office of the Attorney General
Consumer Protection Division
800 5th Ave., Suite 2000
Seattle, WA 98104-3188

EXHIBIT A

EMPATHIA

GOOD FOR PEOPLE. GOOD FOR BUSINESS.

Processing Center • P.O. BOX 141578 • Austin, TX 78714

00001
ACD1234

00001
JOHN Q. SAMPLE
1234 MAIN STREET
ANYTOWN US 12345-6789

June 3, 2016

Re: Notice of Data Breach

Dear John Sample:

Empathia Inc. ("Empathia") operates an Employee Assistance Program (EAP) for various companies nationwide, including your current or former employer. We recently discovered an incident that may affect the security of your personal information. We are writing to provide you with information regarding the incident, steps we have taken since discovering the incident, and what you can do to better protect against identity theft and fraud should you feel it is appropriate to do so.

What Happened? On January 30, 2016, we discovered spam files on one of our data servers. We removed the spam and immediately launched an investigation to determine the nature of the access and what data may have been stored on that server. We also hired a third party forensic investigator to supplement our investigation. The forensic investigation revealed that the spam spread to a second domain on the same server. That server contained a file with your information which you provided to Empathia when you submitted a request for a credit check in 2003 or 2004. **We have no evidence that your data was accessed by an unauthorized individual, and we are not aware of any actual or attempted misuse of your information. What's more, there is no indication the unauthorized access was for any purpose other than using our servers to spread spam emails.** However, we are providing this notice to you out of an abundance of caution.

What Information Was Involved? While our investigation is ongoing, we have determined that the following information relating to you was potentially accessed: your name, address, phone number, and Social Security number.

What We Are Doing. We take the privacy and security of your personal information very seriously. In addition to launching an internal investigation into the incident, we have hired a third party investigator to conduct a forensic investigation into the incident and have increased the security of our information technology network. We are providing notice of this incident to impacted individuals. We are also providing you information about how to protect against identity theft and fraud, as well as complimentary access to 12 months of credit monitoring and identity restoration services with AllClear ID. The enclosed *Other Important Information* contains instructions on how to enroll and receive these free services, as well as more information on how to better protect against identity theft and fraud.

What You Can Do? You can enroll to receive the 12 months of free credit monitoring and identity restoration services with AllClear ID. You can also review the enclosed *Other Important Information.*

01-02-1-00

For More Information. If you have questions or concerns not addressed in this letter, please call the dedicated call center we have established regarding this incident. The call center is staffed with professionals from AllClear ID who can answer questions about this incident, give you guidance on how to protect against misuse of your information, and assist in your enrollment with the monitoring services we are offering to you. This confidential inquiry line is available Monday – Saturday, 8am – 8pm CST at 1-855-500-3660.

Empathia takes your privacy and the security of your information seriously and sincerely regrets any inconvenience or concern this incident has caused you.

Sincerely,

Philip S. Chard
President & CEO

OTHER IMPORTANT INFORMATION

We are unaware of any actual or attempted misuse of information relating to you. However, we have arranged to have AllClear ID protect your identity for 12 months at no cost to you. The following protection services start on the date of this notice and you can use them at any time in the next 12 months.

AllClear SECURE: The team at AllClear ID is ready and standing by if you need identity repair assistance. This service is automatically available to you with no enrollment required. If a problem arises, simply call 1-855-500-3660 and a dedicated investigator will help recover financial losses, restore your credit and make sure your identity is returned to its proper condition.

AllClear PRO: This service offers additional layers of protection including credit monitoring and a $1 million identity theft insurance policy. To use the PRO service, you will need to provide your personal information to AllClear ID. You may sign up online at enroll.allclearid.com or by phone by calling 1-855-500-3660 using the following redemption code: Redemption Code.

Please note: Additional steps may be required by you in order to activate your phone alerts and monitoring options.

We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports and explanation of benefits forms for suspicious activity. Under U.S. law you are entitled to one free credit report annually from each of the three major credit reporting bureaus. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also contact the three major credit bureaus directly to request a free copy of your credit report.

At no charge, you can also have these credit bureaus place a "fraud alert" on your file that alerts creditors to take additional steps to verify your identity prior to granting credit in your name. Note, however, that because it tells creditors to follow certain procedures to protect you, it may also delay your ability to obtain credit while the agency verifies your identity. As soon as one credit bureau confirms your fraud alert, the others are notified to place fraud alerts on your file. Should you wish to place a fraud alert, or should you have any questions regarding your credit report, please contact any one of the agencies listed below.

Equifax	Experian	TransUnion
P.O. Box 105069	P.O. Box 2002	P.O. Box 2000
Atlanta, GA 30348	Allen, TX 75013	Chester, PA 19022-2000
800-525-6285	888-397-3742	800-680-7289
www.equifax.com	www.experian.com	www.transunion.com

You may also place a security freeze on your credit reports. A security freeze prohibits a credit bureau from releasing any information from a consumer's credit report without the consumer's written authorization. However, please be advised that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services. If you have been a victim of identity theft, and you provide the credit bureau with a valid police report, it cannot charge you to place, list or remove a security freeze. In all other cases, a credit bureau may charge you a fee to place, temporarily lift, or permanently remove a security freeze. You will need to place a security freeze separately with each of the three major credit bureaus listed above if you wish to place a freeze on all of your credit files. To find out more on how to place a security freeze, you can use the following contact information:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348
1-800-685-1111
(NY residents please call 1-800-349-9960)
www.equifax.com/help/credit-freeze/en_cp

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013
1-888-397-3742
www.experian.com/freeze/center.html

TransUnion
PO Box 2000
Chester, PA 19022-2000
1-888-909-8872
www.transunion.com/securityfreeze

To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and Social Security number) **and** the PIN number or password provided to you when you placed the security freeze, as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to remove the security freeze.

To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and social security number) **and** the PIN number or password provided to you when you placed the security freeze. The credit bureaus have three (3) business days after receiving your request to remove the security freeze.

You can further educate yourself regarding identity theft, fraud alerts, and the steps you can take to protect yourself, by contacting the Federal Trade Commission or your state Attorney General. The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580, www.identitytheft.gov, 1-877-ID-THEFT (1-877-438-4338); 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. **For Iowa residents**: You may contact local law enforcement or the Iowa Attorney General's Office to report suspected incidents of identity theft. You can contact the Iowa Attorney General at: Office of the Attorney General, 1305 E. Walnut Street, Des Moines, IA 50319, (515) 281-5164; and online at http://www.iowaattorneygeneral.gov/. **For Maryland residents**, the Attorney General can be reached at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-888-743-0023; and www.oag.state.md.us. **For North Carolina residents**, the Attorney General can be contacted by mail at 9001 Mail Service Center, Raleigh, NC 27699-9001; toll-free at 1-877-566-7226; by phone at 1-919-716-6400; and online at www.ncdoj.gov. Instances of known or suspected identity theft should also be reported to law enforcement. This notice has not been delayed as a result of law enforcement involvement.