

# BakerHostetler

## Baker&Hostetler LLP

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**March 6, 2017**

**VIA EMAIL (SECURITYBREACH@ATG.WA.GOV)**

Attorney General Bob Ferguson  
Washington Office of Attorney General  
1125 Washington St., N.E.  
P.O. Box 40100  
Olympia, WA 98504

Re: Incident Notification

Dear Attorney General Ferguson:

We are writing on behalf of our client, West Music Company, to notify you of a security incident that occurred at a company called Aptos which may have involved the payment card information of Washington residents.

To process its payment card transactions on its websites (westmusic.com and percussionsource.com), West Music uses a digital commerce platform provided and maintained by a third party vendor named Aptos. On February 6, 2017, West Music learned from Aptos that Aptos discovered unauthorized access into the portion of the Aptos system containing payment card information related to various merchants using the Aptos platform, including West Music. Upon learning of the unauthorized access, Aptos contacted the FBI Cyber Division and the U.S. Department of Justice and engaged a cybersecurity firm to help contain and eliminate the issue. Given the active investigation, law enforcement requested that Aptos defer disclosing the matter to the potentially affected merchants or their customers until February 5, 2017. Aptos's investigation determined that malware injected into the Aptos system may have allowed unauthorized access to certain customer and payment card information maintained by Aptos. The unauthorized access occurred between February 2016 and December 2016. Based on the investigation, Aptos informed West Music that payment card transactions that were made on two West Music websites (www.westmusic.com and www.percussionsource.com) were affected by the incident, including both historical card transactions and transactions made during the period

*Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver  
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC*

of unauthorized access. The information that was potentially accessible on the Aptos system includes customer name, address, phone number, email, card number, card type, and expiration date.

West Music provided written notification via U.S. Mail on March 3, 2017, to 1495 Washington residents in accordance with Wash. Rev. Code Ann. §19.255.010 in substantially the same form as the letter attached hereto.<sup>1</sup> Notification is being provided without unreasonable delay. West Music has established a dedicated call center to assist individuals with any questions they may have.

In order to help prevent a similar incident from occurring in the future, West Music is reinforcing its priority of information security with its third party vendors including reviewing and potentially revising existing third party vendor contract provisions concerning vendor information security practices.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,



Theodore J. Kobus III  
Partner

Enclosures

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<sup>1</sup> This report is not, and does not constitute, a waiver of personal jurisdiction.



WESTMUSIC

PERCUSSION  
SOURCE



Return Mail Processing Center  
PO Box 6336  
Portland, OR 97228-6336

<<Mail ID>>  
<First Name> <Last Name>  
<Address 1>  
<Address 2>  
<City>, <State>, <Zip>

<<Date>>

Dear <First Name> <Last Name>:

West Music values the relationship we have with our customers and understands the importance of protecting our customers' information, including payment card information that is maintained by our vendors. Regrettably, we are writing to notify you of an incident that involves your payment card information.

To process its payment card transactions on its websites ([westmusic.com](http://westmusic.com) and [percussionsource.com](http://percussionsource.com)), West Music uses a digital commerce platform provided and maintained by a third party vendor named Aptos. On February 6, 2017, we learned from Aptos that it discovered unauthorized access into the portion of the Aptos system containing payment card information for various Aptos customers, including some West Music customers. Upon learning of the unauthorized access, Aptos contacted the FBI Cyber Division and the U.S. Department of Justice and engaged a cybersecurity firm to help contain and eliminate the issue. While investigating, law enforcement requested that Aptos defer disclosing and discussing the matter with potentially affected retailers (like West Music) and customers (you) until February 5, 2017 given the active investigation. The investigation determined that malware injected into the Aptos system may have allowed unauthorized access to certain customer and payment card information maintained by Aptos. The unauthorized access occurred between February 2016 and December 2016. Based on the investigation, Aptos informed us that payment card transactions that were made on [www.westmusic.com](http://www.westmusic.com) and [www.percussionsource.com](http://www.percussionsource.com) were affected by the incident, including both historical card transactions and transactions made during the period of unauthorized access. This may have affected a transaction you made using a card ending in <<last four numbers of card>>. Your information that was potentially accessible on the Aptos system includes your name, address, phone number, email, card number, card type, and expiration date.

While Aptos represented that they are not aware of any actual payment card information being misused, it is always advisable to remain vigilant to the possibility of fraud by reviewing your payment card statements for any unauthorized activity. You should immediately report any unauthorized charges to your card issuer because payment card rules generally provide that cardholders are not responsible for unauthorized charges reported in a timely manner. The phone number to call is usually on the back of your payment card. Please see the section that follows this notice for additional steps you may take to protect your information.

We apologize for any inconvenience or concern this may have caused. Aptos has represented to us that the method of unauthorized access has been blocked, the malware has been completely removed from the Aptos system, and it is actively monitoring the system. We have established a call center specifically to help answer any questions you may have regarding the incident. To reach the call center, please call 1-888-221-8535 from 9:00 a.m. to 9:00 p.m. Eastern time, Monday to Friday.

Sincerely,

Ryan West  
Senior Vice President

### **Additional Steps You Can Take**

We recommend that you remain vigilant for incidents of fraud or identity theft by reviewing your account statements and free credit reports for any unauthorized activity. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting companies. To order your annual free credit report, please visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call toll free at 1-877-322-8228. Contact information for the three nationwide credit reporting companies is as follows:

*Equifax*, PO Box 740241, Atlanta, GA 30374, [www.equifax.com](http://www.equifax.com), 1-800-685-1111

*Experian*, PO Box 2002, Allen, TX 75013, [www.experian.com](http://www.experian.com), 1-888-397-3742

*TransUnion*, PO Box 2000, Chester, PA 19016, [www.transunion.com](http://www.transunion.com), 1-800-916-8800

If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's office in your state. You can obtain information from these sources about steps an individual can take to avoid identity theft as well as information about fraud alerts and security freezes. You should also contact your local law enforcement authorities and file a police report. Obtain a copy of the police report in case you are asked to provide copies to creditors to correct your records. Contact information for the Federal Trade Commission is as follows:

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