

LAYNA S. COOK RUSH, SHAREHOLDER  
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October 16, 2020

Attorney General Bob Ferguson  
Washington State Office of the Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98054-0100  
[SecurityBreach@atg.wa.gov](mailto:SecurityBreach@atg.wa.gov)

Re: *Wyndham Capital Mortgage, Inc. - Notice of Data Incident*

Dear Attorney General Ferguson:

I serve as outside counsel to Wyndham Capital Mortgage, Inc. (“WCM”), which is a mortgage banking company. WCM’s principal place of business is located at 4064 Colony Road, Moorcroft 2, Floor 2, Charlotte, NC, 28211.<sup>1</sup>

This correspondence is to notify you of potential security issue caused by a recent single occurrence of user error. On September 18, 2020, an email containing personal information was sent in error to an email account not belonging to WCM. WCM has no evidence that this email was opened or that the information has been used. Upon identifying the incident, WCM immediately took action to address the problem, including an attempted recall of the email and attempted communications to the mailbox owner and service provider to have the email deleted. WCM has put additional protections in place to keep this from happening again, has provided additional training to employees, and continues to strengthen system controls and monitoring.

In an abundance of caution, notification letters are being sent by my client via U.S. Mail to 569 residents of your State on or about October 16, 2020. The notification letters include instructions for activating one (1) year of credit monitoring services at no cost to the residents. The personally identifiable information (“PII”) that was potentially at risk included names, email addresses, Social

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<sup>1</sup> By providing this notice, WCM does not waive any rights or defenses regarding the applicability of Washington law, the applicability of the Washington data event notification statute, or personal jurisdiction.

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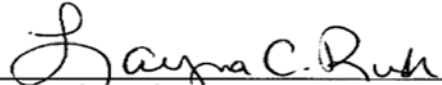
Security numbers, and loan data. A sample notification letter is enclosed for your reference and includes:

- A description of the security event;
- Remedial steps taken;
- Steps taken to mitigate any potential harm to consumers;
- Instructions for activation of 1 year of free identity theft protection services that include credit monitoring and a \$1 million insurance reimbursement policy;
- Instructions on how to place a security freeze on the recipient's consumer credit report; and
- Instructions regarding how to obtain more information about this event.

WCM is fully committed to protecting consumer privacy and the confidentiality of personal information. We will follow-up this correspondence with any forms or other documents that may need to be completed. Please contact me if you require any additional information regarding this incident.

Sincerely,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

By:   
Layna C. Rush

**Enclosure:**

Exhibit 1: Sample Notification Letter sent to 569 residents



Return Mail Processing Center  
P.O. Box 6336  
Portland, OR 97228-6336

<<Mail ID>>  
<<Name 1>>  
<<Name 2>>  
<<Address 1>>  
<<Address 2>>  
<<Address 3>>  
<<Address 4>>  
<<Address 5>>  
<<City>><<State>><<Zip>>  
<<Country>>

<<Date>>

Re: Notice of Data Breach

Dear <<Name 1>>:

Wyndham Capital Mortgage, Inc. is committed to protecting your personal information. Unfortunately, we recently experienced a single occurrence of user error that led to a potential security issue. We are writing to inform you of the incident, which could potentially impact you, and to share the steps that you can take to protect yourself.

**What Happened?** On September 18, 2020, an email was sent in error to an email account not belonging to Wyndham Capital Mortgage that contained some of your personal information. We have no evidence that this email was opened or that the information has been used.

**What Information Was Involved?** The email that was sent in error contained your name, Social Security number, email address and loan data.

**What We Are Doing?** We understand it is our responsibility to protect your information. Please know that we took immediate action to address the problem once identified, including an attempted recall of the email. We have put additional protections in place to keep this from happening again, have provided additional training to employees and continue to strengthen our system controls and monitoring.

**What You Can Do?** While we have no evidence that your information has been or will be misused, we recommend you take precautions, and we are offering you one (1) year of **free** credit monitoring and \$1 million in identity theft insurance through Experian - to give you peace of mind. **You must activate the Experian product by the activation date in order for it to be effective. The activation instructions are included with this notification.** We also have included some additional steps that you can take to protect yourself, as you deem appropriate.

**For More Information:** At Wyndham Capital Mortgage, we value our customers, strive to prevent incidents like this from occurring and will continue to take steps and explore measures to further protect customer data. If you have any further questions or concerns regarding this matter, please call 1-888-905-0785, toll-free, between 9:00 a.m. and 9:00 p.m. Eastern Time, Monday through Friday.

Sincerely,

*Brett Johnson*

Brett Johnson, Director of Client Experience

## **STEPS YOU CAN TAKE**

- **Below is information on steps you can take to protect yourself.**
- To help protect your identity, we are offering a complimentary one-year 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 <<Enrollment Deadline>>. (Your code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bcredit>
- Provide your activation code: <<Activation Code>>

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 877-288-8057 by <<Enrollment Deadline>>. Be prepared to provide engagement number <<Engagement Number>> as proof of eligibility for the identity restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR 12-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, Equifax and TransUnion files for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists 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.

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 877-288-8057. 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 one year 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.

**Below are additional actions you may take, if you feel it is necessary.**

- **FREEZE YOUR CREDIT FILE.** You have a right to place a 'security freeze' on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security 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 security 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. Note that a security freeze generally does not apply to existing account relationships and when a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities. There is no charge to place or lift a security freeze.

\* 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.

To place a security freeze on your credit report, contact each of the three major consumer reporting agencies using the contact information listed below:

### 3 MAJOR CREDIT BUREAUS / CONSUMER REPORTING AGENCIES

#### **Equifax**

P.O. Box 105788  
Atlanta, GA 30348  
1-800-525-6285  
www.equifax.com

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742  
www.experian.com

#### **TransUnion**

P.O. Box 2000  
Chester, PA 19022  
1-800-680-7289  
www.transunion.com

To request a security freeze, you will need to provide the following:

- Your full name (including middle initial as well as Jr., Sr., II, III, etc.), Social Security number, and date of birth;
- If you have moved in the past five (5) years, the addresses where you have lived over the prior five years;
- Proof of current address, such as a current utility bill or telephone bill;
- A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.); and
- If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

If you request a security freeze via toll-free telephone or other secure electronic means, the credit reporting agencies have one (1) business day after receiving the request to place the freeze. In the case of a request made by mail, the bureaus have three (3) business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique personal identification number (PIN) or password, or both that can be used by you to authorize the removal or lifting of the security freeze. To lift the security freeze 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 a request to lift the security freeze for those identified entities or for the specified period of time. 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 the request to remove the freeze.

➤ **PLACE FRAUD ALERTS ON YOUR CREDIT FILE.** As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your 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 an alert lasting 7 years. Contact the credit reporting agencies listed above to activate an alert.

➤ **REMAIN VIGILANT: REVIEW YOUR ACCOUNT STATEMENTS, & REPORT FRAUD.** Carefully review your credit reports, debit/credit card, insurance policy, bank account and other account statements. Activate alerts on your bank accounts to notify you of suspicious activity. Report suspicious or fraudulent charges to your insurance statements, credit report, credit card or bank accounts to your insurance company, bank/credit card vendor and law enforcement. (For Oregon & Iowa residents: Report any suspected identity theft to law enforcement, Federal Trade Commission, and your State Attorney General.)

➤ **ORDER YOUR FREE ANNUAL CREDIT REPORTS.** Visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 877-322-8228 to obtain one free copy of your credit report annually. Periodically review a copy of your credit report for discrepancies and identify any accounts you did not open or inquiries you did not authorize. (For Colorado, Maine, Maryland, Massachusetts, New Jersey, Puerto Rico, and Vermont residents: You may obtain additional copies of your credit report, free of charge. You must contact each of the three credit reporting agencies directly to obtain such additional reports.)

➤ **POLICE REPORT:** You have a right to a police report about this incident (if any exists). If you're an identity theft victim, you have the right to file a police report and obtain a copy of it.

➤ **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT FROM FTC / STATE ATTORNEY GENERAL.** Go to <http://www.experian.com/credit-advice/topic-fraud-and-identity-theft.html>. The Federal Trade Commission also provides information at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft). The FTC can be reached by phone: 1-877-438-4338; TTY: 1-866-653-4261 or by writing: 600 Pennsylvania Ave., NW, Washington, D.C. 20580. Your State Attorney General also may provide information. For North Carolina residents: You may contact North Carolina Office of the Attorney General, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), 1-877-566-7226.

➤ **FILE YOUR TAXES QUICKLY AND SUBMIT IRS FORM 14039.** If you believe you are at risk for taxpayer refund fraud, the IRS suggests you file your income taxes quickly. Additionally, if you are an actual or potential victim of identity theft, the IRS suggests you give them notice by submitting IRS Form 14039 (Identity Theft Affidavit). This form will allow the IRS to flag your taxpayer account to alert them of any suspicious activity. Form 14039 may be found at <https://www.irs.gov/pub/irs-pdf/f14039.pdf>.

➤ **FAIR CREDIT REPORTING ACT:** You also have rights under the federal Fair Credit Reporting Act (FCRA), which promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. The FTC has published a list of the primary rights created by the FCRA (<https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>), and that article refers individuals seeking more information to visit [www.ftc.gov/credit](http://www.ftc.gov/credit). The FTC's list includes the following FCRA rights: (1) To receive a copy of your credit report, which must contain all the information in your file at the time of your request; (2) To receive a free copy of your credit report, at your request, once every 12 months from each of the nationwide credit reporting companies – Equifax, Experian, and TransUnion; (3) To receive a free credit report if a company takes adverse action against you (e.g. denying your application for credit, insurance, or employment), and you ask for your report within 60 days of receiving notice of the action. The notice will give you the name, address, and phone number of the credit reporting company. You are also entitled to one free report a year if you are unemployed and plan to look for a job within 60 days; if you are on welfare; or if your report is inaccurate because of fraud, including identity theft; (4) To ask for a credit score; (5) To dispute incomplete or inaccurate information; (6) To obtain corrections to your report or delete inaccurate, incomplete, or unverifiable information; (7) Consumer reporting agencies may not report outdated negative information; (8) To restrict access to your file and to require consent from you for reports to be provided to employer; (9) To limit "prescreened" offers of credit and insurance you receive based on information in your credit report; and (10) To seek damages from violators. Please note that identity theft victims and active duty military personnel may have additional rights under the FCRA.

➤ **PROTECT YOURSELF FROM PHISHING SCAMS.** Learn to recognize phishing emails. Do not open emails from unknown senders and be sure not to click on strange links or attachments. Never enter your username and password without verifying the legitimacy of the request by contacting the sender by telephone or other methods. Replying to the email is not a safe way to confirm. Visit <https://www.consumer.ftc.gov/articles/0003-phishing> for more information on these types of scams.