

# CLARK HILL

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April 20, 2020

*Via [securitybreach@atg.wa.gov](mailto:securitybreach@atg.wa.gov)*

**Attorney General Bob Ferguson**  
Office of the Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

Dear Attorney General Bob Ferguson:

We represent KandyPens, Inc. (“KandyPens”) with respect to a data security incident involving the potential exposure of certain personally identifiable information described in more detail below. KandyPens, located in California, is an eCommerce entity that sells vape pens and vaporizer pens. KandyPens is committed to answering any questions you may have about the data security incident, its response, and steps taken to prevent a similar incident in the future.

## **1. Nature of security incident.**

In January 2020, KandyPens became aware of suspicious activity associated with its online payment process for its e-commerce platform. KandyPens began an internal investigation and engaged an independent computer forensic firm to assist. The forensic investigators determined that an unauthorized user had gained access to our online payment platform and credit and debit card information may have been compromised. Payment card information entered between March 7, 2019 and February 13, 2020 may have been at risk. From the investigation, it appears information at risk may have included customer names, credit or debit card numbers, expiration dates, and security codes or card verification codes.

KandyPens then worked to obtain a list of all customers who made a purchase on its website during the relevant time. Once they obtained this list, significant efforts were expended to remove any duplicates to obtain an accurate list for notification purposes. This process was completed on April 6, 2020.

## **2. Number of residents affected.**

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One thousand one hundred twelve (1,112) Washington residents may have been affected and were notified of the incident. A notification letter was sent to the potentially affected individuals on April 20, 2020 via regular mail (a copy of the form notification letter is enclosed).

**3. Steps taken relating to the incident.**

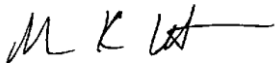
KandyPens remediated the vulnerability and has increased the monitoring of its online payment system. KandyPens is currently reviewing its policies and procedures to ensure customer information is appropriately protected.

**4. Contact information.**

KandyPens takes the security of the information in its control seriously and is committed to ensuring the information in its control is appropriately protected. If you have any questions or need additional information, please do not hesitate to contact me at [mventrone@clarkhill.com](mailto:mventrone@clarkhill.com) or (312) 360-2506.

Very truly yours,

CLARK HILL



Melissa K. Ventrone  
Partner

Enclosure



C/O ID Experts  
PO Box 4219  
Everett WA 98204

ENDORSE



<<First Name>> <<Last Name>>



ADDRESS1  
ADDRESS2  
CSZ  
COUNTRY

SEQ  
CODE 2D  
Ver KPD

BREAK

April 20, 2020

### NOTICE OF DATA SECURITY INCIDENT

Dear <<First Name>> <<Last Name>>,

We are writing you to inform you of a recent data security incident experienced by KandyPens, Inc. (“KandyPens”) that may have impacted your personal information, including your name and credit card information. We take the privacy and security of your information seriously, and sincerely apologize for any concern or inconvenience this may cause you. This letter contains information about steps you can take to protect your information, and resources we are making available to help you.

#### What Happened:

In January 2020, KandyPens became aware of suspicious activity associated with its online check-out page. We immediately began an internal investigation and hired independent computer forensic experts to assist. The forensic investigators determined that an unauthorized user had gained access to our online payment platform and credit and debit card information may have been compromised. Credit and debit card information entered between March 7, 2019 and February 13, 2020 may have been at risk.

#### What Information Was Involved:

Information at risk may have included your name, credit or debit card number, expiration date, and security code or card verification code.

#### What We Are Doing:

We are taking steps to help prevent this type of incident from occurring in the future. Since the incident, we fixed the vulnerability and you can make purchases safely on our website. We have also increased the monitoring of our online payment system and are reviewing our policies and procedures to ensure customer information is appropriately protected.

#### What You Can Do:

You should carefully review the credit and debit card statements for any cards you used on our website between March 7, 2019 and February 13, 2020. If you identify any suspicious activity, you should immediately contact your financial institution.

#### More Information:

For questions, please call 1-833-968-1687 Monday through Friday from 6 AM – 6 PM Pacific Time. Your trust is a top priority for us, and we deeply regret any inconvenience or concern that this matter may cause you.

Sincerely,

James Zender  
Chief Operating Officer

## U.S. State Notification Requirements

**For residents of Hawaii, Michigan, Missouri, New Mexico, Virginia, Vermont, and North Carolina:** It is recommended by state law 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.

**For residents of Colorado, Illinois, Iowa, Maryland, Missouri, New Mexico, North Carolina, Oregon, Washington, and West Virginia:**

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report by contacting any one or more of the following national consumer reporting agencies:

**Equifax**

P.O. Box 105139  
Atlanta, GA 30374  
1-800-685-1111

[www.equifax.com](http://www.equifax.com)

**Experian**

P.O. Box 2002  
Allen, TX 75013  
1-888-397-3742

[www.experian.com](http://www.experian.com)

**TransUnion**

P.O. Box 6790  
Fullerton, CA 92834  
1-800-916-8800

[www.transunion.com](http://www.transunion.com)

You may also obtain a free copy of your credit report online at [www.annualcreditreport.com](http://www.annualcreditreport.com), by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at [www.annualcreditreport.com](http://www.annualcreditreport.com)) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

**For residents of Iowa:**

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

**For residents of Oregon:**

State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission.

**For residents of Colorado, Maryland, Illinois, North Carolina, and Rhode Island:**

You can obtain information from the Maryland, North Carolina, and Rhode Island Offices of the Attorneys General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

**Maryland Attorney General**

Consumer Protection Div.  
200 St. Paul Place  
Baltimore, MD 21202  
1-888-743-0023  
[www.oag.state.md.us](http://www.oag.state.md.us)

**North Carolina Attorney**

**General**  
Consumer Protection Div.  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
1-877-566-7226  
[www.ncdoj.com](http://www.ncdoj.com)

**Rhode Island Attorney**

**General**  
Consumer Protection Div.  
150 South Main Street  
Providence, RI 02903  
(401) 274-4400  
[www.riag.ri.gov](http://www.riag.ri.gov)

**Federal Trade Commission**

Consumer Response Center  
600 Pennsylvania Avenue,  
NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)  
[www.identityTheft.gov](http://www.identityTheft.gov)

**For residents of Massachusetts:**

It is required by state law that you are informed of your right to obtain a police report if you are a victim of identity theft.

**For residents of all states:**

**Fraud Alerts:** You can place fraud alerts with the three credit bureaus at one of the three major credit bureaus by phone and also via each credit bureau's website. 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. As of September 21, 2018, fraud alerts will now last one year, instead of 90 days. Fraud alerts will continue to be free and identity theft victims can still get extended fraud alerts for seven years.

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

**Security Freeze:** 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, each credit reporting agency has a dedicated web page for security freezes and fraud alerts or you can request a freeze by phone or by mail. 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 may also require 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. Effective September 21, 2018, placing a freeze on your credit report is now free for all United States citizens.

**Equifax Security Freeze**

P.O. Box 105788  
Atlanta, GA 30348  
[www.equifax.com](http://www.equifax.com)

**Experian Security Freeze**

P.O. Box 9554  
Allen, TX 75013  
<http://www.experian.com/freeze>

**TransUnion (FVAD)**

P.O. Box 2000  
Chester, PA 19022  
[www.transunion.com](http://www.transunion.com)

More information can also be obtained by contacting the Federal Trade Commission listed above.