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June 23, 2025

Via Online Submission

Attorney General Mike Hilgers
Office of the Attorney General
Consumer Affairs Response Team
2115 State Capital
Lincoln, NE 68509
Tel: 402-471-2683

Re: Notice of Data Security Incident

Dear Attorney General Hilgers,

Constangy, Brooks, Smith & Prophete LLP represents Birdair, Inc. ("Birdair") in connection with a the data security incident described in greater detail below. In reporting this matter, Birdair reserves all rights and defenses regarding the applicability of Nebraska law, the applicability of the Nebraska data event notification statute, and personal jurisdiction.

1. Nature of the incident.

On October 28, 2024, Birdair discovered that it had experienced a network disruption and immediately initiated an investigation of the matter. Birdair engaged independent cybersecurity experts to assist with the process. As a result of the investigation, Birdair determined that certain files were acquired without authorization. Birdair undertook a comprehensive review of those files to confirm the specific information involved so it could notify if required by law.

On May 28, 2025, Birdair learned that personal information as defined by Neb. Rev. Stat. § 87-802 belonging to certain Nebraska residents was contained within the affected files. Birdair has no evidence to suggest misuse or attempted misuse of any personal information in conjunction with this incident.

2. Number of Nebraska residents notified.

Birdair notified 2 Nebraska residents of this incident via first-class U.S. mail on June 20, 2025. The information potentially impacted in connection with this incident includes name, date of birth, driver's license or state identification number, financial account information, health insurance information, individual taxpayer identification number, medical information, passport number, and/or Social Security number.

A sample copy of the notification letter is included with this correspondence.

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3. Steps taken relating to the Incident.

As soon as Birdair discovered this incident, Birdair took steps to secure its network environment and launched an investigation to determine what happened and the scope of personal information potentially impacted. In addition, Birdair implemented measures to enhance the security of its environment in an effort to minimize the risk of a similar incident occurring in the future.

Birdair provided notified individuals with information about steps they can take to protect their personal information, and offered them access to complimentary identity monitoring services. Birdair also established a toll-free call center through TransUnion, a leader in risk mitigation and response, to answer any questions about the incident and address related concerns.

4. Contact information.

Birdair remains dedicated to protecting the personal information in its control. If you have any questions or need additional information, please contact us.

Best regards,

Alyssa Watzman
CONSTANGY, BROOKS, SMITH & PROPHETE LLP

Enclosure: Sample Notification Letter

Birdair, Inc.
c/o Cyberscout
<<Return Address>>
<<City>>, <<State>> <<Zip Code>>



To Enroll, Please Call: 1- 833-566-6403

Or Visit:

<https://bfs.cyberscout.com/activate>

Enrollment Code: <<UniqueCode>>

<<First Name>> <<Last Name>>
<<Address1>> <<Address 2>>
<<City>>, <<State>> <<PostalCode+4>>

June x, 2025

Subject: Notice of Data <<Custom Field 1>>

Dear <<First Name>> <<Last Name>>:

I am writing to inform you of a data security incident experienced by Birdair, Inc. ("Birdair") that may have affected your personal information. Birdair takes the privacy and security of all information within its possession very seriously. Please read this letter carefully as it contains information regarding the incident and steps that you can take to help protect your personal information.

What Happened. On October 28, 2024, Birdair discovered that it had experienced a network disruption and immediately initiated an investigation of the matter. Birdair engaged independent cybersecurity experts to assist with the process. As a result of the investigation, Birdair determined that certain files were acquired without authorization. Birdair undertook a comprehensive review of those files and, on or about May 28, 2025, learned that some of your personal information was contained therein which is the reason for this notification. Please note that Birdair has no evidence of the misuse, or attempted misuse, of any potentially impacted information.

What Information Was Involved. The information may have included your name and <<Exposed Data Elements>>.

What We Are Doing. As soon as Birdair discovered this incident, it took the steps described above and implemented measures to enhance security and minimize the risk of a similar incident occurring in the future. Birdair also notified the Federal Bureau of Investigation of this incident and will cooperate with any efforts to hold the perpetrator(s) accountable. Finally, Birdair is also providing you with access to Single Bureau Credit Monitoring/Single Bureau Credit Report/Single Bureau Credit Score services at no charge. These services provide you with alerts for <<Service Length>> from the date of enrollment when changes occur to your credit file. This notification is sent to you the same day that the change or update takes place with the bureau. Finally, we are providing you with proactive fraud assistance to help with any questions that you might have or in event that you become a victim of fraud. These services will be provided by Cyberscout, a TransUnion company specializing in fraud assistance and remediation services. These services include <<Service Length>> of credit monitoring¹, dark web monitoring, a \$1 million identity fraud loss reimbursement policy, and fully managed identity theft recovery services. The deadline to enroll in these services is 90 days from the date of this letter.

¹ To receive credit monitoring services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit file.

4712 Club Road, Baltimore, MD 21210

What You Can Do. You can follow the recommendations on the following page to help protect your personal information. You can also enroll in the complementary services offered to you through Cyberscout by using the enrollment code provided above.

For More Information. Further information about how to protect your personal information appears on the following page. If you have questions or need assistance, please call 1-833-566-6403, Monday through Friday from 8:0 am to 8:00 pm Eastern time, excluding major U.S holidays. We take your trust in us and this matter very seriously. Please accept our sincere apologies for any worry or inconvenience this may cause.

Sincerely,

Birdair, Inc.

Steps You Can Take to Help Protect Your Personal Information

Review Your Account Statements and Notify Law Enforcement of Suspicious Activity: As a precautionary measure, we recommend that you remain vigilant by reviewing your account statements and credit reports closely. If you detect any suspicious activity on an account, you should promptly notify the financial institution or company with which the account is maintained. You also should promptly report any fraudulent activity or any suspected incidence of identity theft to proper law enforcement authorities, your state attorney general, and/or the Federal Trade Commission (the “FTC”).

Copy of Credit Report: You may obtain a free copy of your credit report from each of the three major credit reporting agencies once every 12 months by visiting www.annualcreditreport.com, calling toll-free 1-877-322-8228, or by completing an Annual Credit Report Request Form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348. You also can contact one of the following three national credit reporting agencies:

Equifax

P.O. Box 105851
Atlanta, GA 30348
1-800-525-6285
www.equifax.com

Experian

P.O. Box 9532
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion

P.O. Box 1000
Chester, PA 19016
1-800-916-8800
www.transunion.com

Fraud Alert: You may want to consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least one year. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any accounts in your name. To place a fraud alert on your credit report, contact any of the three credit reporting agencies identified above. Additional information is available at www.annualcreditreport.com.

Security Freeze: You have the right to put a security freeze on your credit file for up to one year at no cost. This will prevent new credit from being opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. A security freeze is designed to prevent potential creditors from accessing your credit report without your consent. As a result, using a security freeze may interfere with or delay your ability to obtain credit. You must separately place a security freeze on your credit file with each credit reporting agency. In order to place a security freeze, you may be required to provide the consumer reporting agency with information that identifies you including your full name, Social Security number, date of birth, current and previous addresses, a copy of your state-issued identification card, and a recent utility bill, bank statement or insurance statement.

Additional Free Resources: You can obtain information from the consumer reporting agencies, the FTC, or from your respective state Attorney General about fraud alerts, security freezes, and steps you can take toward preventing identity theft. You may report suspected identity theft to local law enforcement, including to the FTC or to the Attorney General in your state.

Federal Trade Commission

600 Pennsylvania Ave, NW
Washington, DC 20580
consumer.ftc.gov
877-438-4338

Maryland Attorney General

200 St. Paul Place
Baltimore, MD 21202
www.marylandattorneygeneral.gov/Pages/CPD
888-743-0023

Oregon Attorney General

1162 Court St., NE
Salem, OR 97301
www.doj.state.or.us/consumer-protection
877-877-9392

California Attorney General

1300 I Street
Sacramento, CA 95814
www.oag.ca.gov/privacy
800-952-5225

New York Attorney General

The Capitol
Albany, NY 12224
800-771-7755
ag.ny.gov

Rhode Island Attorney General

150 South Main Street
Providence, RI 02903
www.riag.ri.gov
401-274-4400

Iowa Attorney General

1305 E. Walnut Street
Des Moines, Iowa 50319
www.iowaattorneygeneral.gov
888-777-4590

NY Bureau of Internet and Technology

28 Liberty Street
New York, NY 10005
www.dos.ny.gov/consumerprotection/
212.416.8433

Washington D.C. Attorney General

400 S 6th Street, NW
Washington, DC 20001
oag.dc.gov/consumer-protection
202-442-9828

Kentucky Attorney General

700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601
www.ag.ky.gov
502-696-5300

NC Attorney General

9001 Mail Service Center
Raleigh, NC 27699
ncdoj.gov/protectingconsumers/
877-566-7226

You also have certain rights under the Fair Credit Reporting Act (FCRA): These rights include to know what is in your file; to dispute incomplete or inaccurate information; to have consumer reporting agencies correct or delete inaccurate, incomplete, or

unverifiable information; as well as other rights. For more information about the FCRA, and your rights pursuant to the FCRA, please visit www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf.