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February 12, 2008

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Director of Consumer Affairs and Business Regulation
Ten Park Plaza, Suite 5170
Boston, MA 02116

To whom it may concern:

This letter is written pursuant to M.G.L. Chapter 93H as notification that the a physician group practice of the Massachusetts General Physicians Organization (“MGPO”) has recently discovered information leading it to believe that a breach of security as defined by the statute has occurred.

Nature of the Incident

On or around 1/31/2008, a physician group practice of the MGPO discovered that a laptop computer used in connection with performing vascular tests had gone missing. The computer was password protected but data containing patient information was not encrypted.

The computer contained some patient demographic information, including names and health insurance numbers, along with the test results. The computer did not contain data fields for social security numbers. However, we understand that for certain older Medicare patients, the health insurance number is basically their social security number. Therefore, we felt notification to patients and state agencies was appropriate. To date, this computer has not been recovered.

Number of Massachusetts Residents Affected

The incident affected 103 Massachusetts residents.

Steps Taken to resolve the incident and Planned Remediation

Upon learning of this incident, and cooperating with Massachusetts General Hospital (“MGH”), a thorough investigation was performed utilizing the services of the MGH Police & Security Department, Information Security Office and Privacy Office. Although the computer has not



been recovered, data was restored from back-up files and all affected residents were notified; (please see attached sample notification letter).

In addition, the MGPO physician group which maintained and used this computer has initiated a review of its technical, physical and administrative safeguards that are in place to protect against loss, theft, and any unauthorized acquisition/use of patient data. Before implementing a replacement computer, the department plans to install additional technical and physical safeguards to further prevent theft and reduce the likelihood that an unauthorized person could gain access to electronic information on the device. In addition, the department is implementing a policy change and educating staff not to enter either social security numbers or health insurance data on the computer.

Both the MGPO and MGH are focused on ensuring that their environment is as safe and secure as possible. In addition, both are investigating this incident not only with an eye toward recovering the missing device but also toward reducing the likelihood that similar incidences will occur in the future. We are further working to strengthen safeguards from a physical, technical and policy perspective.

If you wish to speak to a representative regarding this incident, please contact me at 617-726-4633. The MGPO will make every effort to address any questions and concerns that you may have.

Sincerely,

A handwritten signature in black ink that reads "K. Minaker MD". The signature is written in a cursive, slightly slanted style.

Kenneth Minaker, MD

Enclosure: Sample Consumer Notification Letter



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Patient Name
Patient Address

Dear Mr./Ms. _____:

I wanted to let you know of a potential “breach in security” that recently occurred at Senior Health. A breach of security may occur when a computer or other electronic or mobile device containing unencrypted data is lost or stolen, if that data contains “personal information,” (for instance, a name combined with a social security number), that could lead to identity theft.

Unfortunately, as a result of this potential breach, I believe that some of your personal information may be compromised, specifically, your name and your health insurance number, which if you receive Medicare may also be your Social Security number; the result of a test that evaluated blood flow in your legs was also compromised. We are very sorry this incident occurred. We are working hard to take steps to help protect and support you and to prevent similar incidents from occurring in the future.

Massachusetts law requires that we notify you of certain rights that you have as a result of this incident. The next section of this letter explains those rights. As required by law, this incident has also been reported to both the Massachusetts Office of the Attorney General and the Department of Consumer Affairs and Business Regulation.

In addition, we, at Senior Health, would like to offer you credit monitoring services for one year at no cost. Please contact Practice Manager, Samantha Sawdon, at Senior Health if you are interested in learning more about this service or other options available to you.

Your rights under Chapter 93H, (Data Breach Notification Statute)

Under the recently enacted Data Breach Notification Statute (Massachusetts General Law, Chapter 93H) (“Chapter 93H”), Senior Health is required to notify you of certain rights granted to you under Chapter 93H, for the purpose of protecting yourself against potential identify theft. First, you have the right to obtain a police report from your local law enforcement agency.



Second, you have the right to place a *security freeze* on your credit reports. Placing a security freeze prevents a credit reporting agency from releasing your credit report without your written consent. A security freeze is more restrictive than simply placing a fraud alert onto your credit report.

A security freeze is designed to prevent credit, loans and services from being approved in your name without your written consent. However, it could delay or interfere with the timely approval of any subsequent requests you make for new loans, credit, mortgages, employment, rental housing, insurance, or other services.

Third, if you provide a credit reporting agency with a valid police report, it cannot charge you to place, lift, or remove security freezes. In all other cases, a credit reporting agency may charge up to \$5.00 per transaction.

To place a security freeze, you must submit a written request to **each** of the three credit reporting agencies (Equifax, Experian, and TransUnion). Each agency has its own set of requirements on documents you will need to submit with your written request. Each credit reporting agency is required to post on its website clear instructions for placing, lifting, and removing a security freeze. If you do not have internet access, you may call the fraud departments of each of the three credit agencies for specific instructions. Contact information is provided below:

1. Experian Security Freeze, P.O. Box 9554, Allen, TX 75013 (888) 397-3742
http://www.experian.com/consumer/security_freeze.html#state
2. TransUnion, Fraud Victim Assistance Department, P.O. Box 6790, Fullerton, CA 92834 (800) 909-8872
<http://www.transunion.com/corporate/personal/fraudIdentityTheft/preventing/securityFreeze.page>
3. Equifax Security Freeze, P.O. Box 105788, Atlanta, GA 30348 (888) 766-0008
<http://www.equifax.com/home/>

Other Steps To Protect Your Identity

It is always advisable to monitor your financial accounts for any unusual activity. For example, you can order credit reports periodically and check for any unauthorized activity and you should contact any financial institution where you have an account, if you do notice suspicious account activity.

Obtaining Further Information

Additional consumer information on security freezes, including contact information for the three credit reporting agencies, is available on-line at www.mass.gov/consumer.

Senior Health and I take the security of your personal and medical information very seriously. We want to assure you that this matter is being thoroughly investigated. We are in the process of performing a comprehensive review of our physical and technical

security systems. We are working to further strengthen the safeguards in place to prevent similar incidents from occurring in the future. We have also implemented policy and procedural changes in our department as preventative measures and we are educating staff around this incident.

We acknowledge that feedback from our patients is critical to our improvement efforts. I would be happy to speak to you regarding this incident. You may also contact the Director of Senior Health at 617-726-4603, MGH Patient Advocacy Office at 617-726-3370 and the MGH Privacy Office at 617-726-6360. We will make every effort to address any questions and concerns that you may have.

Sincerely,

Patients' PCP