



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

October 30, 2023

By Email

Jacquie Cooke
General Counsel and Privacy Officer
23andMe Inc.
349 Oyster Point Boulevard
South San Francisco, CA 94080

Re: *Data Breach*

Dear Ms. Cooke:

On October 6, 2023, your company, 23andMe, Inc. (“23andMe”) published a press release disclosing that “customer profile information” shared through your company’s “DNA Relatives” feature had been compiled and released using 23andMe accounts accessed without authorization. This resulted in the compilation and exposure of individuals’ names, sex, date of birth, geographical location, and genetic ancestry results. Troublingly, the threat actor involved has posted sample data indicating that the 23andMe attack was targeted at account holders with specific genetic heritage.

More specifically, we understand that the 23andMe breach has resulted in the targeted exfiltration and sale on the black market of at least one million data profiles pertaining to individuals with Ashkenazi Jewish heritage. Reports indicate that a subsequent leak has revealed the data of hundreds of thousands of individuals with Chinese ancestry, also for sale on the dark web as a result of this hack. The increased frequency of antisemitic and anti-Asian rhetoric and violence in recent years means that this may be a particularly dangerous time for such targeted information to be released to the public.

As of this date, 23andMe has not submitted a breach notification pursuant to Connecticut’s breach notification statute, Conn. Gen. Stat. § 36a-701b. As you know, this law requires that notice be provided to our Office and any impacted Connecticut residents “without unreasonable delay” and not later than sixty (60) days after discovery of the breach. While we understand that this breach may have been the result of a “credential stuffing” attack, the notice triggers in our breach notification statute expressly include email address and password information.¹

¹ Conn. Gen. Stat. § 36a-701b (a)(2)(B).

165 Capitol Avenue
Hartford, Connecticut 06106

An Affirmative Action/Equal Opportunity Employer

This breach also calls into question 23andMe’s compliance with the Connecticut Data Privacy Act (“CTDPA”), Conn. Gen. Stat. § 42-515 et seq. The CTDPA provides Connecticut consumers with important rights over their personal data and imposes corresponding privacy and data security obligations on controllers and processors of personal data. 23andMe is in the business of collecting and analyzing the most sensitive and irreplaceable information about individuals, their genetic code. This incident raises questions about the processes used by 23andMe to obtain consent from users, as well as the measures taken by 23andMe to protect the confidentiality of sensitive personal information.

Accordingly, we are requesting answers to the following questions:

1. Please state the total number of individuals whose data was affected by this incident, including a breakdown of the number of Connecticut residents.
2. Please provide a breakdown of the categories of personal information or data elements compromised for the impacted Connecticut residents.
3. Please indicate whether the impacted Connecticut residents received or will receive notice letters informing them that their personal information was compromised as a result of the data security incident. Please also indicate whether 23andMe plans to submit notice of this incident to our Office, and if so, when such notice will be provided. If not, please explain why not.
4. Please indicate whether Connecticut residents’ information is or has been made available on the dark web, and whether this information includes their genetic ancestry information.
5. Please describe how the personal information or data at issue was stored on the systems involved and any safeguards that were in place at the time of the breach to protect such information from unauthorized access or acquisition.
6. Please describe any safeguards put into place by 23andMe to prevent or detect “credential stuffing” attacks on your systems. Please specifically include 23andMe’s methods for detecting the use of bots and whether the compromised accounts had multi-factor authentication (“MFA”) available. If MFA was available, please indicate the breakdown of impacted accounts where MFA was enabled and the method of MFA.
7. Please provide further detail on the breach timeline, including when the data exfiltration began and ended, as well as the steps taken following 23andMe’s discovery of the breach.
8. Please provide an outline of any plan, policies, and/or procedures that 23andMe currently has in place, or is developing, to prevent the recurrence of such a breach and a timeline for implementing any such plans, policies, or procedures.

9. Please provide a copy of any internal or third-party investigative report or audit performed by or for 23andMe related to this breach.
10. Please describe any process or processes under which 23andMe obtains or obtained consent for the “DNA Relatives” feature. Please include screenshots of the exact disclosures and click-through screens that have been shown to users prior to receiving their consent to opt in to the “DNA Relatives” feature.
11. Please state whether 23andMe has updated its privacy policies in light of the CTDPA’s requirements and, if so, what those updates are.
12. Please describe the policies and procedures that 23andMe has put into place to review and respond to Connecticut consumers’ rights requests under the CTDPA.
13. Please outline the policies and procedures that 23andMe has put in place to comply with the data minimization and purpose limitation requirements in the CTDPA.
14. Please describe 23andMe’s policies and procedures concerning the deidentification and pseudonymization of Connecticut consumers’ personal data to prevent their re-identification.

We look forward to receiving the requested information no later than November 13, 2023. For any questions, please contact Assistant Attorney General Patrick Kania at patrick.kania@ct.gov.

Very truly yours,



WILLIAM TONG