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January 16, 2026

Adam Whitaker, Publisher  
The Peak Weekly  
via email: [adam@wakepublishing.com](mailto:adam@wakepublishing.com)

RE: Your Notice of Active Data Breach

Mr. Whitaker,

The Town of Apex takes data security matters and the protection of residents' personal information seriously. Your January 15, 2026, article and correspondence are not about a breach of security.

While we appreciate your concern for the availability of data collected by Mayor Pro Tem Mahaffey's survey, you should understand that the information collected is of the variety that the Town must maintain as public record, available for inspection by request as required by statute, including section 132-1.13 of the General Statutes of North Carolina. This is not to say that the information you reference in your email is not personal in nature. However, the information collected as part of the referenced survey is a matter of public record, much like personal property records and voting records are public.

Your characterization of the apparent unauthorized access to certain information as a "breach" is inaccurate under North Carolina law. In relevant part, North Carolina General Statute § 75-61 defines a "security breach" as "[a]n incident of unauthorized access to and acquisition of unencrypted and unredacted records or data containing personal information where illegal use of the personal information has occurred or is reasonably likely to occur or that creates a material risk of harm to a consumer." (emphasis added). As you can see, the term used in North Carolina law is "personal information" and not "personally identifiable information" (which is a more general term not rooted in a specifically applicable law). "Personal information" is defined in North Carolina General Statute § 14-113.20. The information you characterized as "personally identifiable information" in your email does not fall within that definition. Since there is no indication that "personal information" was acquired, there was neither a "breach" nor an "exposure" of any personal information in a manner that violates any applicable law.

While we hope you will issue a correction for the mischaracterizations of your article, we recognize that the response it was meant to provoke cannot be undone at this time, and so we will address with Mayor Pro Tem Mahaffey potential adjustments in controls in order to counter any confusion or alarm you have created.

We further request that you delete your copies of the data and, should you need access to the data in the future, request it pursuant to the standard records request process.

Sincerely,

Laurie Hohe  
Town Attorney  
Town of Apex