Office of the Information and
Privacy Commissioner of Alberta

PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Academy of Nutrition and Dietetics (Organization)
Decision number (file number)	P2017-ND-95 (File #001481)
Date notice received by OIPC	August 20, 2015
Date Organization last provided information	April 12, 2017
Date of decision	July 17, 2017
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify those individual pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is incorporated in the USA. It operates in Alberta and is an "organization" as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved the following information: • name, • address, • member numbers, • credit card information. This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• The Organization's software crashed, so when individuals called in to become members or reinstate their membership, employees of the Organization wrote down membership information to process later.

	• A temporary worker was hired to collect the membership information and enter the members' information into the computer. • The Organization suspects that the temporary worker kept some of the members' information after entering it into the computer once the software was fixed. • On June 1, 2015, the Organization learned of two instances where members' information was used fraudulently and both members had been assisted by the temporary worker.
Affected individuals	• The incident may have affected 729 individuals, including one (1) individual from Alberta.
Steps taken to reduce risk of harm to individuals	• Immediately terminated the temporary worker. • Contacted the temporary staffing agency and requested background checks on all temporary workers. • Implemented new procedures to deal with situations when its computer system is not working.
Steps taken to notify individuals of the incident	The Organization notified affected individuals by mail on August 10, 2015. On April 12, 2017, the Organization further agreed to notify the individual from Alberta according to the requirements under PIPA for notification.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or injury that could be caused to affected individuals as a result of the incident. The harm must also be "significant." It must be important, meaningful, and with non-trivial consequences or effects.	The Organization reported that it "believes that financial loss and negative effects on a credit record would be the most relevant types of harm members could encounter under the circumstances." I agree with the Organization. The contact and financial information at issue could be used to cause the harms of identity theft, fraud and financial loss. These are significant harms.
Real Risk The likelihood that the significant harm will result must be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.	The Organization reported that "the likelihood of harm will depend on whether the temporary worker secured hundreds of members' financial information or just the two members that reported fraudulent activity" and also that "No members have notified the [Organization] of their information being used improperly since June 1, 2015. Additionally, individuals are not usually liable for fraudulent purchases."

	In my view, the likelihood of harm resulting from this incident is increased because the incident resulted from malicious intent (deliberate action) and the Organization is aware of suspected incidents of the information being used for fraudulent purchases. The Organization can only speculate that the affected individual will not be held responsible for any credit card fraud and misuse. Even if this were the case, it does not necessarily mitigate the potential harm from identity theft or other forms of fraud.

DECISION UNDER SECTION 37.1(1) OF PIPA

Based on the information provided by the Organization and given the circumstances of the incident, I have decided that there is a real risk of significant harm to the affected individual. The contact and financial information at issue could be used to cause the significant harms of identity theft, fraud and financial loss. The likelihood of harm resulting from this incident is increased because the incident resulted from malicious intent (deliberate action) and the Organization is aware of suspected incidents of the information being used for fraudulent purchases. The Organization can only speculate that the affected individual will not be held responsible for any credit card fraud and misuse. Even if this were the case, it does not necessarily mitigate the potential harm from identity theft or other forms of fraud.

I require the Organization to notify the affected individual in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand the Organization notified the affected individual by letter on April 12, 2017, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner