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	Hartz Hotel Services, Inc. (Organization)
Decision number (file number)	P2017-ND-123 (File #006261)
Date notice received by OIPC	August 11, 2017
Date Organization last provided information	August 11, 2017
Date of decision	August 28, 2017
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is an "organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident may have involved the following information: • name, • payment card number, expiry date, and security code. In some cases, the following information may also be at issue: • name, • email address, • telephone number, • address, and • other information associated with a reservation. This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. The information was processed through a central reservations system. The Organization reported that approximately 6 residents of Alberta may have been affected by this incident.

DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• The Organization operates hotels in New York City. • On June 6, 2017, the Organization was notified by its service provider that an unauthorized party gained access to account credentials that permitted access to unencrypted payment card data and certain reservation information for some hotel reservations processed through the service provider's Central Reservations System ("CRS"). • The unauthorized party was able to access payment card information for some hotel reservations at affected properties. • The Organization reported an "investigation determined that the unauthorized party first obtained access to payment card and other reservation information on August 10, 2016. The last access to payment card information was on March 9, 2017."
Affected individuals	The incident potentially affected 6 residents of Alberta.
Steps taken to reduce risk of harm to individuals	• Verified that the service provider worked with third party forensic investigators to investigate the incident and that the service provider notified law enforcement and payment card brands about the incident. • Providing potentially impacted individuals with guidance on how to better protect against identity theft and fraud, including information on how to place a fraud alert and security freeze on a U.S. credit file, the contact details for the U.S. national consumer reporting agencies, information on how to obtain a free U.S. credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the U.S. Federal Trade Commission, their local state authority, and law enforcement to report attempted or actual identity theft and fraud. • Published notice of the incident on the website homepages of affected hotels on July 24, 2017, and issued a national press release on August 3, 2017 regarding the incident.
Steps taken to notify individuals of the incident	Notified affected individuals in Alberta by letter and email beginning August 3, 2017.

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 did not specifically identify any harm that might result from this incident, but reported it was "Providing potentially impacted individuals with guidance on how to better protect against identity theft and fraud, including information on how to place a fraud alert and security freeze on a U.S. credit file … [and] a reminder to remain vigilant for incidents of fraud and identity theft…". In my view, the contact, financial and profile information at issue could be used to cause the harms of identity theft and fraud. In addition, email address could be used to cause the harm of phishing. These are all 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 did not specifically assess the likelihood of harm resulting from this incident but, as noted above, reported it was "Providing potentially impacted individuals with guidance on how to better protect against identity theft and fraud, including information on how to place a fraud alert and security freeze on a U.S. credit file … [and] a reminder to remain vigilant for incidents of fraud and identity theft…". In my view, the likelihood of harm is increased because the incident was the result of malicious intent (deliberate intrusion) and the personal information was exposed for almost seven (7) months.

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 individuals.

The contact, financial and profile information at issue could be used to cause the harms of identity theft and fraud. In addition, email address could be used to cause the harm of phishing. These are all significant harms. The likelihood of harm is increased because the incident was the result of malicious intent (deliberate intrusion) and the personal information was exposed for almost seven (7) months.

I require the Organization to notify the affected individuals in Alberta accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals in Alberta by letter and email beginning August 3, 2017. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner