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	Bronson Nutritionals LLC (Organization)
Decision number (file number)	P2018-ND-46 (File #008058)
Date notice received by OIPC	March 19, 2018
Date Organization last provided information	March 19, 2018
Date of decision	April 9, 2018
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) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident may have involved the following information: • name, • address, and • payment card information (including card number, expiry date, and security code). This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. The information was collected in Alberta via the Organization's online store.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• At the time of its report of the breach, the Organization had "recently identified on certain of its systems malware designed to collect customers' payment card information".

	• The Organization investigated and found that "…the malware appears to have been placed on the company's systems on or around May 15, 2017. Customers who made a purchase on [the Organization's] online store or by phone with the company's customer service center between May 15, 2017 and January 30, 2018 may be affected by this matter."
Affected individuals	The Organization reported "There are approximately 84 Alberta residents affected by this issue."
Steps taken to reduce risk of harm to individuals	• Removed the malware and took steps to secure systems. • Retained a data security expert to help determine the nature and scope of the incident. • Working with law enforcement authorities and coordinating efforts with payment card organizations.
Steps taken to notify individuals of the incident	The Organization reported that a notice would be sent on March 19, 2018 to affected individuals.
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 its "notice provides recommendations on steps affected customers can take to help protect against misuse of their personal information and fraud." In my view, the financial information at issue could be used to cause the significant harms of fraud and identity theft.
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. In my view, the likelihood of harm resulting from this incident is increased because the personal information was compromised due to malicious action (installation of malware). The information may have been exposed for over 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 financial information at issue could be used to cause the significant harms of fraud and identity theft. The likelihood of harm resulting from this incident is increased because the personal information may have been compromised due to malicious action (installation of malware). The information may have been exposed for over seven (7) months.

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

I understand the Organization notified affected individuals by letter on March 19, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner