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	T3 Micro, Inc. (Organization)
Decision number (file number)	P2019-ND-168 (File #013329)
Date notice received by OIPC	May 30, 2019
Date Organization last provided information	May 30, 2019
Date of decision	November 22, 2019
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals whose personal information was collected in Alberta, 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"	Information involved in the breach may have included: • name, • address, • credit card number, expiry date, and CVV. 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 ecommerce website www.t3micro.com.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• On or about March 14, 2019, the Organization began investigating suspicious activity occurring on its online ecommerce website.

	• On May 03, 2019, the investigation determined that the Organization was the victim of a cyber-attack that may have resulted in a compromise to some of its customers' credit and debit cards used to make purchases on its ecommerce website between July 13, 2018 and March 17, 2019.
Affected individuals	The incident affected sixty (60) Alberta residents.
Steps taken to reduce risk of harm to individuals	• Worked with third party forensic investigators to determine what happened and what information was affected as well as to implement additional procedures to further protect the security of customer debit and credit cards. • Reporting incident to other state regulators, as necessary.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on May 20, 2019.
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 is "…is providing impacted individuals with guidance on how to better protect against identity theft and fraud". In my view, a reasonable person would consider that the financial information at issue could be used to cause the significant harms of identity theft and fraud.
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, a reasonable person would consider the likelihood of harm resulting from this incident is increased as the breach was the result of malicious intent by an unknown third party and it appears the information may have been exposed for approximately 8 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. A reasonable person would consider that the financial information at issue could be used to cause the significant harms of identity theft and fraud. The likelihood of harm resulting from this incident is increased as the breach was the result of malicious intent by an unknown third party and it appears the information may have been exposed for approximately 8 months.	

I require the Organization to notify the affected individuals whose personal information was collected in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand affected individuals were notified by letter on May 20, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner