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	A.T. Cross Company (Organization)
Decision number (file number)	P2019-ND-175 (File #013500)
Date notice received by OIPC	July 4, 2019
Date Organization last provided information	July 4, 2019
Date of decision	November 27, 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 included: • name, • address, • payment 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 via the Organization's ecommerce website, www.cross.com.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• In May 2019, the Organization received reports from certain customers that the checkout page of its website was behaving abnormally.

	• On or around June 3, 2019, an investigation confirmed that information provided for purchases on the website between May 9 and May 14, 2019 was potentially subject to unauthorized acquisition.
Affected individuals	The incident affected four (4) Alberta residents.
Steps taken to reduce risk of harm to individuals	• Took steps to ensure the security of the website and investigate the issue, including working with website support vendors, as well as third-party forensic investigators. • Reviewing security measures. • Notifying other regulatory agencies, as appropriate.
Steps taken to notify individuals of the incident	Affected individuals were provided with written notice beginning on June 26, 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 did not specifically identify the potential harm(s) that might result from this incident, but its notification to affected individuals said "We encourage you to review your payment card account statements regularly for any unusual or suspicious activity, change your passwords regularly, and contact the issuing financial institution for instructions on how to report and/or dispute any unexpected or unusual charges and have a new account issued." 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 appears to be the result of malicious intent (deliberate, unauthorized access) and continued for almost a week.
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 appears to be the result of malicious intent (deliberate, unauthorized access) and continued for almost a week.	

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 provided with written notice beginning on June 26, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner