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	Koff Productions
Decision number (file number)	P2020-ND-022 (File #014885)
Date notice received by OIPC	February 6, 2020
Date Organization last provided information	February 6, 2020
Date of decision	February 21, 2020
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 Organization reported the incident involved "Drivers licence and Passports". The Office of the Information and Privacy Commissioner (OIPC) reviewed the information at issue and identified the following documents posted to the internet: • drivers license, • passport, • permanent resident card, and • Treaty card. These documents contain information about identifiable individuals, which is "personal information" as defined in section 1(1)(k) of PIPA. The Organization reported that the information of 162 individuals was collected in Alberta.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	

Description of incident	• On February 3, 2020, the OIPC received an email from an employee of another provincial government stating he had discovered driver's licenses of Albertans on the internet. • The OIPC confirmed the report and contacted the Organization (Treehousecult.com) on February 6, 2020 to notify it of the incident. • In its report of the incident to the OIPC, the Organization said that the permissions on a web server were not private. The Organization also reported the incident occurred on February 6 and was discovered the same day. The Organization said that the issue was corrected on February 6, 2020.
Affected individuals	The Organization reported the incident affected 168 individuals, 162 of whom reside in Alberta.
Steps taken to reduce risk of harm to individuals	• The Organization now has "full Block on our permissions for s3 buckets" and "Two times Everyday Am/PM we will monitor S3 buckets to ensure Permission are blocked".
Steps taken to notify individuals of the incident	The Organization reported that affected individuals were notified by email on February 6, 2020.
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 "Harms could be identity theft". In my view, a reasonable person would consider that the identity 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 reported that "There is low likelihood of any harm will result from this". In my view, a reasonable person would consider that the likelihood of harm is decreased because the incident does not appear to be the result of malicious intent, but rather human error. However, the Organization was not aware that the breach had occurred until informed by the OIPC. Further, the Organization reported that the incident occurred on February 6, 2020 (the date it was informed by the OIPC); however, the OIPC was made aware of the breach on February 3, 2020. Given this, it appears the Organization may not know how long the information was exposed publicly. The information was, in fact, discovered and accessed by another party

	who reported it to the OIPC. These factors increase the likelihood that the information may have been accessed by other parties.

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 identity information at issue could be used to cause the significant harms of identity theft and fraud. Although the incident does not appear to be the result of malicious intent, the Organization was not aware that the breach had occurred until informed by the OIPC. Further, the Organization reported that the incident occurred on February 6, 2020 (the date it was informed by the OIPC); however, the OIPC was made aware of the breach on February 3, 2020. Given this, it appears the Organization may not know how long the information was exposed publicly. The information was, in fact, discovered and accessed by another party who reported it to the OIPC. These factors increase the likelihood that the information may have been accessed by other parties.

I understand the Organization reported that affected individuals were notified of the breach by email on February 6, 2020; however, my office has reviewed the notification and found that it did not meet the requirements of the PIPA Regulation.

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) and confirm to my office in writing, within 10 days of the date of this decision, that it has done do.

Jill Clayton
Information and Privacy Commissioner