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	ATB Financial (Organization)
Decision number (file number)	P2020-ND-057 (File #014964)
Date notice received by OIPC	February 7, 2020
Date Organization last provided information	February 7, 2020
Date of decision	May 29, 2020
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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 involved all or some of the following information: • full name, • home address, • telephone number, • email address, • date of birth, • citizenship, • social insurance number, • driver's license number • employment and salary information, and • asset and liability balance. This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA.

DESCRIPTION OF INCIDENT	
☒ loss ❑ unauthorized access ❑ unauthorized disclosure	
Description of incident	• On January 13, 2020, a team member's vehicle was stolen. A laptop, along with paper mortgage application documents, was in the vehicle. • The theft was reported to the Organization's information security team on the same day. • The laptop has various security controls, including full disk encryption when powered off.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	• Contacted the Organization's Information Security Team. • Disabled the team member's network account. • Revoked the certificate for the laptop to prevent authentication or wireless connectivity to the Organization's network. • Offered credit monitoring at no cost. • Reported the incident to the RCMP the same day.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone and letter on February 7, 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 that, "Based on the personal information which was breached, we believe there is a risk of fraud and identity theft to the client whose mortgage application documents were stolen. Client personal information within the file would allow someone with malicious intent to pose a real risk of significant harm to the client. This harm may come in the form of opening of fraudulent bank accounts, loans, and credit cards. If these risks are realized the client may also have negative effects on their credit." I agree with the Organization's assessment. A reasonable person would consider that the contact, identity, employment and financial information at issue could be used to cause the significant harms of identity theft, fraud and financial loss. Email addresses could be used for the purposes of phishing, increasing the affected individuals' vulnerability to identity theft and fraud. 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 reported:, *We believe that the likelihood that harm could occur due to the stolen laptop is low. The laptop has security safeguards in place to prevent unauthorized access to information. Once the item was reported stolen, access to the …network was revoked for the device on January 13th.* *The likelihood of harm resulting from the stolen paper mortgage documentation is elevated as it is not clear whether the criminals are looking for items for quick financial gain or if they are into elaborate financial and/or identity crimes. To date the information contained in the mortgage application documents has not been recovered...* I agree with the Organization's assessment. The likelihood of harm resulting from this incident is increased because it resulted from malicious intent (theft) and the mortgage documents have not been recovered.

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 individual.

A reasonable person would consider that the contact, identity, employment and financial information at issue could be used to cause the significant harms of identity theft, fraud and financial loss. Email addresses could be used for the purposes of phishing, increasing the affected individuals' vulnerability to identity theft and fraud. These are all significant harms. The likelihood of harm resulting from this incident is increased because it resulted from malicious intent (theft) and the mortgage documents have not been recovered.

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

I understand the affected individual was notified by telephone and by letter on February 7, 2020. The Organization is not required to notify the individual again.

Jill Clayton
Information and Privacy Commissioner