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	Mountain Equipment Co-op (Organization)
Decision number (file number)	P2020-ND-061 (File #014907)
Date notice received by OIPC	February 11, 2020
Date Organization last provided information	April 9, 2020
Date of decision	June 5, 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 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"	The incident involved all or some of the following information: • name, • email address, • postal code, • city, • provinces, • membership numbers, and • in-store purchases. This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. To the extent the personal information was collected in Alberta, PIPA applies.
DESCRIPTION OF INCIDENT	

❑	loss	❑	unauthorized access	☒	unauthorized disclosure

Description of incident	• Between October 13-28, 2019, the Organization ran a pilot marketing campaign. The Organization sent the personal information at issue to Facebook to use for the marketing campaign. • On January 28, 2020, two members complained to the Organization's Privacy Office about the information being shared with Facebook. • The Organization realized it did not get consent from members to disclose the personal information and requested that all member information associated with the October marketing pilot be permanently deleted from Facebook.
Affected individuals	The incident affected 29,117 individuals, of which 5,868 are individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	• Requested that Facebook delete the information that was shared about members. • Notified impacted individuals. • Notified privacy regulators in Alberta and British Columbia and the federal office. • Will update processes and policies to ensure consent is obtained. • Will implement a review process for pilot and new marketing campaigns.
Steps taken to notify individuals of the incident	Affected individuals were notified of the incident on February 10, 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, "We do not believe any harm has or will occur based on this incident. The information [sic] was shared with a business organization that already does collect this level of details about consumers from other organizations as well as the consumers themselves. As soon as [the Organization] was made aware of this incident, we requested that Facebook delete the information of concern that was submitted without …members' consent." In my view, a reasonable person would consider that the contact and transaction information at issue, particularly combined with email address, could be used for the purposes of phishing, increasing the affected individuals' vulnerability to identity theft and fraud. These are significant harms.

Real Risk	The Organization reported that the likelihood of risk is "…very low."
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.	In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the incident resulted from human error and not malicious intent and because the Organization confirmed that Facebook deleted the personal information. Nonetheless, the information was in fact used by Facebook to contact the affected individuals for the membership campaign.

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 real risk of significant harm to the affected individuals. A reasonable person would consider that the contact and transaction information at issue, particularly combined with email address, could be used for the purposes of phishing, increasing the affected individuals' vulnerability to identity theft and fraud. These are significant harms. The likelihood of harm resulting from this incident is decreased because the incident resulted from human error and not malicious intent and because the Organization confirmed that Facebook deleted the personal information. Nonetheless, the information was in fact used by Facebook to contact the affected individuals for the membership campaign. 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 the Organization notified affected individuals in writing on February 10, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner