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	Yellow Pages Digital & Media Solutions Limited (the Organization)
Decision number (file number)	P2021-ND-082 (File #014166)
Date notice received by OIPC	December 12, 2019
Date Organization last provided information	December 12, 2019
Date of decision	March 16, 2021
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 Organization reported the incident involved… *(I) basic business contact information, which may have included a business representative's name, their business phone number, the province/territory of the business, and any business email addresses attached to the account, and (2) the amount owing on the customers' Yellow Pages account.* To the extent this information is about identifiable individuals, it qualifies as "personal information" as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies. The information may also be "business contact information", which is defined in section 1(1)(a) of PIPA to mean "an individual's name, position name or title, business telephone number, business address, business e mail address, business fax number and other similar business information." Section 4(1)(d) of PIPA says that the Act does not apply to the collection, use and disclosure of business contact information "for

	the purposes of enabling the individual to be contacted in relation to the individual's business responsibilities and for no other purpose." In this case, I considered that the disclosure of the information was not "for the purposes of enabling the individual to be contacted in relation to the individual's business responsibilities and for no other purpose." As a result, the business contact information is not excluded from the application of PIPA.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	
Description of incident	• During the week of December 2 - 6, 2019, an employee of the Organization received an email that appeared to be from the Organization's Senior Vice President and Chief Financial Officer requesting accounts receivable information, along with customer contact information. • The employee responded by email on December 6, 2019 attaching the requested information. Unfortunately, the email had been sent by an unknown and unauthorized third party. • The incident was discovered on December 9 when customers contacted the Organization requesting a French version of an email the Organization did not send. • The Organization investigated, and found that an unauthorized third party had been sending requests to customers with outstanding account balances that appeared to come from the Organization, and requesting that customer make payment to an "alternative" bank account. Some customers were also contacted by telephone at their place of business.
Affected individuals	The incident affected 85,026 businesses across all Canadian jurisdictions, including British Columbia, Alberta and Quebec, including 8,695 in Alberta.
Steps taken to reduce risk of harm to individuals	• Investigated the incident and moving quickly to contain it and alert customers. • Working to enhance employee training and awareness, particularly in connection with the practice of identifying phishing emails and emailing personal information. • Committed to enhancing safeguards to help prevent similar incidents in the future.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on December 9, 2019, and, where email is not possible, by letter.

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 report of the incident said the Organization "…is working to enhance employee training and awareness, particularly in connection with the practice of identifying phishing emails". In my view, a reasonable person would consider the contact information at issue, and email address in particular, could be used for phishing purposes, increasing vulnerability to identity theft and fraud. These are 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 did not provide its assessment of the likelihood of harm resulting from this incident. In my view, a reasonable person would consider the risk of harm is increased as the incident appears to be the result of deliberate, malicious action. A number of customers were contacted by email and telephone and were asked to make fraudulent payments.

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.

The contact information at issue, and email address in particular, could be used for phishing purposes, increasing vulnerability to identity theft and fraud. These are significant harms. The risk of harm is increased as the incident appears to be the result of deliberate, malicious action. A number of customers were contacted by email and telephone and were asked to make fraudulent payments.

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 email on December 9, 2019, and, where email was not possible, by letter. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner