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	NBA Media Ventures, LLC (Organization)
Decision number (file number)	P2021-ND-098 (File #013413)
Date notice received by OIPC	October 4, 2019
Date Organization last provided information	October 4, 2019
Date of decision	March 31, 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 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"	The incident involved some or all of the following information: • email address, • name, • telephone number, • postal code, and • birth month and year (for some individuals). This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• On or about August 31, 2019, an unauthorized intruder accessed a computer server that contained information about individuals who participated in online contests conducted in Canada.

	• The Organization investigated and determined that the attacker gained access to a server by exploiting credentials.
Affected individuals	The incident affected 21,400 individuals who provided an Alberta postal code.
Steps taken to reduce risk of harm to individuals	• Investigated, engaged privacy and security experts, took the server offline, and reset relevant credentials. • Evaluating ways to enhance security going forward.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on September 30, 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 report the possible harm(s) that might result from this breach but its notification to affected individuals advised them to "...exercise caution in the future when opening email links or attachments from unknown senders". In my view, a reasonable person would consider that the contact information, and particularly email address, 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 that the likelihood of harm resulting in this case is increased because the incident appears to be the result of malicious intent (exploited credentials). The Organization did not report how long the information was exposed before the compromise was discovered.
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 contact information, and particularly email address, could be used for phishing purposes, increasing vulnerability to identity theft and fraud. These are significant harms. The likelihood of harm resulting in this case is increased because the incident appears to be the result of malicious intent (exploited credentials). The Organization did not report how long the information was exposed before the compromise was discovered.	

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 affected individuals were notified by email on September 30, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner