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	Century 21 Department Stores LLC (Organization)
Decision number (file number)	P2021-ND-120 (File #013994)
Date notice received by OIPC	November 22, 2019
Date Organization last provided information	November 22, 2019
Date of decision	April 27, 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 the following information: • name, • address, • telephone number, • payment card number, expiry date, security code. 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	• The Organization learned of suspicious activity involving its website, c21stores.com. The Organization investigated and found unauthorized code.

	• The Organization's investigation found the code may have been present and capable of copying information entered by customers on the website between August 27, 2019 and October 10, 2019. • The breach was discovered when the Organization was alerted by the third party that hosts its ecommerce platform.
Affected individuals	The incident affected 7,213 individuals, including 1 in Alberta
Steps taken to reduce risk of harm to individuals	• Removed the code and engaged a cybersecurity firm. • Alerted payment card brands. • Reminding individuals to review accounts and report unauthorized charges. • Implemented additional security measures.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on November 21, 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 reported "Stolen payment card information can be used to make fraudulent purchases on the impacted cards". In my view, a reasonable person would consider that the contact and financial 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 "The payment card network rules generally provide that cardholders are not responsible for unauthorized charges that are timely reported. [The Organization] is providing notice to the individuals involved as soon as reasonably possible so that they can remain vigilant to potential unauthorized charges. Therefore, there is not a substantial likelihood that the individuals involved will experience financial harm as a result". In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (deliberate intrusion, unauthorized access). The information may have been exposed for over a month and a half. The Organization can only speculate that individuals will not be held responsible for unauthorized charges. I agree that timely notification of the incident will reduce the likelihood of significant harm resulting from this incident.

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 and financial information at issue could be used to cause the significant harms of identity theft and fraud. The likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (deliberate intrusion, unauthorized access). The information may have been exposed for over a month and a half. The Organization can only speculate that individuals will not be held responsible for unauthorized charges. I agree that timely notification of the incident will reduce the likelihood of significant harm resulting from this incident. I require the Organization to notify the affected individual 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 letter on November 21, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner