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** | TVI Pacific Inc. (Organization) |
| **Decision number (file number)** | P2021-ND-155 (File #017050) |
| **Date notice received by OIPC** | February 3, 2020 |
| **Date Organization last provided information** | May 19, 2021 |
| **Date of decision** | June 8, 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 pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA). |
| **JURISDICTION** | |
| **Section 1(1)(i) of PIPA "organization"** | The Organization operates in Alberta and 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:<br><br>Directors, current and past employees:<br>• name,<br>• address,<br>• social insurance number,<br>• income reported on past T4 slips, and<br>• copies of expired passports of directors.<br><br>One Director:<br>• signature,<br>• copy of current passport,<br>• credit card information,<br>• personal tax returns,<br>• RRSP statements,<br>• marriage and birth certificates,<br>• inactive credit card, and<br>• various account passwords.<br><br>This information is about identifiable individuals 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 6, 2020, the Organization discovered that its office, along with two (2) neighbouring offices, had been broken into.<br>• All filing cabinets and desk drawers were opened and various files were stolen, along with a hard drive used to back up a computer. The hard drive was partially encrypted.<br>• Police recovered some files on January 29, 2020, along with documents and equipment stolen from several other offices. Several personal files containing credit card statements, RRSP statements and personal tax returns have not been recovered. |
| **Affected individuals** | The incident affected approximately seventeen (17) individuals. |
| **Steps taken to reduce risk of harm to individuals** | • Immediately reset passwords to all servers, closed and reset the Organization's bank accounts.<br>• Notified law enforcement, the CRA and the banks to close all bank accounts and to monitor for suspicious activity.<br>• Assisted one affected individual to cancel and have reissued all credit cards as well as close personal accounts.<br>• Coordinated a meeting with a lawyer specializing in issues related to intellectual property and fraudulent matters.<br>• Changed all locks on office entrance door and file cabinets.<br>• Enhanced security safeguards. |
| **Steps taken to notify individuals of the incident** | Three (3) current employees were notified verbally on January 6, 2020 and four (4) directors were notified by email on January 8, 2020. All other affected individuals were notified by email on February 19, 2020. |
| **REAL RISK OF SIGNIFICANT HARM ANALYSIS** | |
| **Harm**<br>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 "The personal information taken could potentially be used for fraud, identity theft or result in financial loss that could negatively impact the credit record of those affected."<br><br>I agree with the Organization's assessment. A reasonable person would consider the contact, identity, tax and financial information at issue could be used to cause the harms of identity theft, fraud and financial loss. Credentials could be used to compromise online accounts. These are significant harms. |

| | |
|---|---|
| **Real Risk**<br>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 what appear to be fraudulent activities associated with some of the information at issue and said, in part that "… there has also been some apparent access to certain personal information of others and given this resulted from malicious intent (theft) there is a heightened risk of harm."<br><br>I agree with the Organization's assessment. A reasonable person would consider that the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in) and only a portion of the information at issue has been recovered. The information at issue has already been used for fraudulent transactions. |

**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 the contact, identity, tax and financial information at issue could be used to cause the harms of identity theft, fraud and financial loss. Credentials could be used to compromise online accounts. These are significant harms. The likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in) and only a portion of the information at issue has been recovered. The information at issue has already been used for fraudulent transactions.

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

I understand the affected individuals were notified verbally on January 6, 2020 and by email on January 8, 2020 and February 19, 2020. The Organization is not required to notify the individuals again.

Jill Clayton
Information and Privacy Commissioner