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	Baker Hughes Canada Company(Organization)
Decision number (file number)	P2013-ND-36 (File #P2414)
Date notice received by OIPC	August 13, 2013
Date Organization last provided information	September 30, 2013
Date of decision	November 25, 2013
Summary of decision	There is a real risk of significant harm to three of the 60 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"	Organization is incorporated in Alberta. I have jurisdiction because the Organization is an "Organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved the following information for all of the individuals: • employee name, • job title, • business email address, • job status (new, permanent, temporary), • years of service, • work locations, • vacation days, • actual base salary. In addition to the above, the following information was involved in the incident for certain individuals: • disciplinary letters and drug and alcohol testing results (for three individuals), • project location bonus (for 57 individuals who worked in

	the United States). This information is "personal information" as defined in section 1(1)(k) of PIPA and was collected in Alberta.
DESCRIPTION OF INCIDENT	
☒loss ☐unauthorized access ☐unauthorized disclosure	
Description of incident	• Sometime between 9:00 p.m. on July 15 and 8:00 a.m. on July 16, 2013, a laptop was stolen from a vehicle parked outside a residence of an employee of the Organization located in Calgary, Alberta. • The laptop contained the personal information of 60 employees of the Organization. • The laptop was password protected but not encrypted. • On July 16, 2013, the incident was reported to the Calgary Police Service, the Organization's IT group and the employee's supervisor. • The laptop has not been recovered.
Affected individuals	• Sixty affected individuals located in Alberta, British Columbia and Saskatchewan. • Personal information of all 60 individuals was collected in Alberta, despite some of the individuals' residency in British Columbia and Saskatchewan.
Steps taken to reduce risk of harm to individuals	• IT group actively monitoring if any network access and login attempts are made from the employee's laptop. • Held a training meeting between the Organization's IT group and Canadian human resources personnel. Meeting reviewed existing data privacy policies and protocols. • New security measures adopted to mitigate the likelihood of future incidents. • Sent a communication to all human resource personnel setting out data privacy safeguards. • Steps taken to ensure that all human resource personnel's laptops receive mandatory encryption.
Steps taken to notify individuals of the incident	Organization has not notified the affected individuals. It is awaiting a decision under section 37.1.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or	The Organization recognized that if the laptop fell into the wrong hands for illicit purposes that there may be a potential

injury – that could be caused to those 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.	risk that an employee could be "discredited" in part, if there was access to disciplinary letters, drug and alcohol testing results and salary information. The personal information of the 60 affected individuals which included names, job titles, business email addresses, job status, years of service, work locations, vacation days, bonus based on project/location and actual base salaries is low to moderately sensitive information. In my view, this information could not be used to cause significant harm to these 60 individuals. I find, however, the personal information for three of the 60 affected individuals, which included drug and alcohol test results and disciplinary letters, is highly sensitive and could be used to cause significant harm. I agree with the Organization that the type of harm that could occur as a result of the unauthorized access to this information is hurt, humiliation and damage to reputation. In my view, 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 recognized that the information was sensitive. However, it reported the incident did not pose a "real risk" of significant harm for the following reasons: • The laptop was password-protected. Without the required technical expertise, the information contained in the laptop could not be retrieved. • The Calgary Police Service located the employee's passport, credit cards, driver's licence and other highly sensitive personal information of the employee that was also stolen with the laptop. Consequently, the police suspect that this was a crime of opportunity and not an attempt to target personal information. In deciding whether there exists a "real risk" of significant harm for three of the 60 affected individuals, I considered the following factors: • The personal information which included drug and alcohol test results and disciplinary letters is highly sensitive and could be used to cause hurt, humiliation and reputational harm. • The laptop was not encrypted. • The laptop was stolen. • The laptop has not been recovered. Further, the incidents described in P2011- ND-005, P2012-ND-

	29, P2012-ND-01, and P2012-ND-08 all involved thefts of moderately to highly sensitive personal information. In each of these cases, the information was not recovered and it was decided there was a real risk of significant harm to the affected individuals.

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 three of the 60 affected individuals. The drug and alcohol testing results and disciplinary letters are highly sensitive information. The information was stolen and has not been recovered. This personal information could reasonably be used to cause significant harm to the individuals in the form of hurt, humiliation and reputational harm.

I require the Organization to notify the three affected individuals whose personal information included disciplinary letters and drug and alcohol testing results in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation) and notify me in writing it has done so on or before December 13, 2013.

Jill Clayton
Information and Privacy Commissioner