



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	TD Wealth Financial Planning (Organization)
<b>Decision number (file number)</b>	P2014-ND-15 (File #P2471)
<b>Date notice received by OIPC</b>	October 4, 2013
<b>Date Organization last provided information</b>	April 23, 2014
<b>Date of decision</b>	November 10, 2014
<b>Summary of decision</b>	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 <i>Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	<p>The Organization is incorporated in Alberta and operating in Alberta, independently from any federally-regulated financial institution.</p> <p>I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• social insurance number,</li><li>• date of birth,</li><li>• copy of driver’s license,</li><li>• signature,</li><li>• home phone number,</li><li>• business phone number,</li><li>• phone number - home</li><li>• phone number - business</li><li>• address</li></ul>

	<ul style="list-style-type: none"> <li>• income</li> <li>• pension number</li> <li>• pension plan details (for one individual) <ul style="list-style-type: none"> <li>○ employee number</li> <li>○ beneficiaries</li> <li>○ hire</li> <li>○ termination end retirement date</li> <li>○ payment amounts,</li> <li>○ value,</li> <li>○ employer</li> </ul> </li> <li>• third party investment statement (for one individual) <ul style="list-style-type: none"> <li>○ values,</li> <li>○ security description,</li> </ul> </li> <li>• investment experience, risk level (for one individual)</li> </ul> <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.</p>
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**DESCRIPTION OF INCIDENT**

loss
 unauthorized access
 unauthorized disclosure

<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• On or about September 15, 2013, a vehicle belonging to one of the Organization’s financial advisors was stolen in Edmonton, Alberta.</li> <li>• A briefcase containing the personal information at issue was inside the vehicle at the time of the theft.</li> <li>• The incident was reported to the Edmonton Police Service.</li> </ul>
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<b>Affected individuals</b>	<ul style="list-style-type: none"> <li>• Six individuals residing in Alberta.</li> </ul>
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<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• New account numbers were issued.</li> <li>• Fraud messages were placed on all of the affected clients' accounts.</li> <li>• The individuals were offered a complimentary subscription to a credit bureau monitoring service.</li> </ul>
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<b>Steps taken to notify individuals of the incident</b>	<ul style="list-style-type: none"> <li>• Phone calls to affected individuals between September 19 and 22, 2013.</li> <li>• Notification sent by mail on September 25, 2013.</li> </ul>
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**REAL RISK OF SIGNIFICANT HARM ANALYSIS**

<b>Harm</b> Some damage or detriment or injury that could be caused to	The Organization recognized the affected individuals may be at risk for identity theft and fraud.
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<p>the 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.</p>	<p>In my view, the personal information involved is highly sensitive. It includes name, social insurance number, date of birth, copy of driver’s license, signature, home phone number, business phone number, phone number, address, income, as well as information about pension and investment experience. The types of harm that could result from unauthorized access to the personal information in this instance are identity theft and fraud, as well as possibly hurt and humiliation. In my view, these are significant harms.</p>
<p><b>Real Risk</b> 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.</p>	<p>The Organization reported that due to the sensitivity of the personal information involved, it considered there to be a real risk of significant harm to the affected individuals.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was stolen and has not been recovered.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></p>	
<p>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 personal information involved is sensitive and includes name, address and social insurance number for all affected individuals, and detailed financial information for several of the affected individuals. The information was stolen and has not been recovered. These factors contributed significantly to my decision.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the plan members in a letter dated September 25, 2013, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individuals again.</p>	

Jill Clayton  
Information and Privacy Commissioner