



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Simms Fishing Products, LLC (Organization)
Decision number (file number)	P2015-ND-58 (File # 000030)
Date notice received by OIPC	December 5, 2014
Date Organization last provided information	December 5, 2014
Date of decision	October 19, 2015
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 <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	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: <ul style="list-style-type: none">• name,• address, and• credit card number, expiration date, and CVV2 code. This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected from individuals residing in Alberta via the internet.
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

Description of incident	<ul style="list-style-type: none"> • Malicious software was installed on the Organization’s website to steal personal information from customers who shopped on the website. • The incident occurred between September 1, 2014 and November 6, 2014.
Affected individuals	26 individuals in Alberta were affected by the incident.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • The malicious software was removed. • The website was scanned to detect and address other threats. • The Organization reported that the website is PCI (Payment Card Industry) compliant.
Steps taken to notify individuals of the incident	Letters of notification were mailed to affected individuals on November 25, 2014.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<p>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.</p>	<p>The Organization recognized that affected individuals may be at risk of identity theft and fraud.</p> <p>In my view, the personal information involved is sensitive as it contains names, addresses and credit card information. This information could be used to cause the harms of identity theft and fraud. These are significant harms.</p>
<p>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.</p>	<p>The Organization reported that, due to the sensitivity of the personal information involved, there is 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 incident resulted from malicious intent.</p>

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. The personal information involved was sensitive and involved credit card information. In addition the installation of malware on the Organization's web server indicates malicious intent.

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 Organization notified affected individuals, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner