



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Danone Canada (Organization)
Decision number (file number)	P2016-ND-09 (File #000369)
Date notice received by OIPC	February 26, 2015
Date Organization last provided information	March 2, 2015
Date of decision	February 11, 2016
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”	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• address,• gender,• date of birth,• email address,• number of children,• password,• yogurt preference <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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"> • A database containing personal information of individuals participating in a contest was hacked. • The hacker exploited security vulnerabilities on the database system. • The incident was discovered on December 8, 2014.
Affected individuals	The Organization estimates a total of 70,000 individuals were affected, 7,840 of whom reside in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • The Organization contained the incident and initiated an investigation. • An independent cyber-forensics analysis was conducted. • Steps were taken to implement new security controls to protect the Organization’s information systems. • Affected individuals were advised to monitor their email accounts against spam and adware. • Affected individuals were advised to monitor personal accounts against suspicious or unauthorized activities and to change account passwords.
Steps taken to notify individuals of the incident	Affected individuals were directly notified on or around February 25, 2015.
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 did not explicitly identify harms that might result from this incident. However, the Organization’s notice to affected individuals advised them to “be alert for emails [sic] scams and marketing campaigns from unauthorized third parties that could reference your participation to the contest and may try to trick you to provide personal information.” The notice provided a link to “additional tips on how to combat ID theft”.</p> <p>In my view, the personal information involved is sensitive identity information that could be used to cause the harms of identity theft, fraud and phishing. 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 did not provide an assessment of the likelihood harm would result to affected individuals as a result of this incident.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was accessed by unauthorized individuals with 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 is sensitive identity information that could be used to cause the significant harms of identity theft, fraud and phishing. The information was accessed by unauthorized users with 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 on or around February 25, 2015, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner