



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	Crocs Canada Inc. (Organization)
Decision number (file number)	P2016-ND-62 (File #002722)
Date notice received by OIPC	April 5, 2016
Date Organization last provided information	December 15, 2016
Date of decision	December 19, 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 a corporation. The Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• first and last name,• home address,• Social Insurance Number, and• employee compensation and deduction information. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On March 9, 2016, the Organization’s Payroll Manager discovered that some T4 forms sent to the Organization parent company in the United States were missing.• Upon discovering the forms were missing, the Organization launched an investigation.

	<ul style="list-style-type: none"> Based on this investigation, the Organization concluded that the forms were likely inadvertently discarded internally.
Affected individuals	50 individuals residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Notified all affected individuals. Notified the Canadian Anti-Fraud Agency and Revenu Québec. Reported the incident to the Office of the Information and Privacy Commissioner of Alberta. Offered complimentary identity protection services to affected individuals.
Steps taken to notify individuals of the incident	Affected individuals were notified by mail on April 4, 2016.
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 reported that “the data involved in this incident includes social insurance numbers, but does not include any additional sensitive information such as driver’s license, financial account, or medical information.”</p> <p>In my view, the personal information includes sensitive identity, employment and financial information which could be used to cause the harms of identity theft and fraud, as well as possibly hurt and humiliation. 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 because it “has no evidence that any of its employees’ information was acquired by an unauthorized person or that any employee information has been misused, [the Organization] has assessed the risk of harm to affected individuals to be very low”.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the information at issue is missing and has not been recovered. Although the Organization believes the information was “discarded internally”, this is not confirmed.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 includes sensitive identity, employment and financial information which could be used to cause the significant harms of identity theft and fraud, as well as possibly hurt and humiliation. The likelihood of harm resulting from this incident is increased because the information is missing and has not been recovered. Although the Organization believes the information was “discarded internally”, this is not confirmed.</p>	

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 the individuals in a letter dated April 4, 2016, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner