



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	H & R Block Canada, Inc. (Organization)
Decision number (file number)	P2017-ND-44 (Case File #002849)
Date notice received by OIPC	April 13, 2016
Date Organization last provided information	May 25, 2016
Date of decision	March 7, 2017
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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)(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,• telephone number,• Social Insurance Number (SIN),• date of birth, and• financial tax return information. <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On February 17, 2016, a customer entered the Organization’s office in Lacombe, Alberta, to pick up completed tax forms and money orders.

	<ul style="list-style-type: none"> • The customer was inadvertently handed an envelope that contained the tax return summary of another individual. • The incident was discovered that same day when the Organization’s employee realized the error. • The employee contacted the unauthorized recipient to advise of the error. The unauthorized recipient confirmed the money orders were already deposited at an ATM machine. • The employee contacted the bank where the orders were cashed and was told the money orders would be retrieved. The employee also voided the money orders. • The paperwork and NSF money orders were subsequently returned to the Organization on March 8, 2016 by the unauthorized recipient. In subsequent conversations with the unauthorized recipient, the Organization confirmed no copies were made of the paperwork.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Recovered the paper documents. • Offered identity theft protection and credit monitoring to affected individual.
Steps taken to notify individuals of the incident	The affected individual was notified of the incident in person on February 17, 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 assessed the possible harm that could result from this incident to be “potential identity theft or fraud.”</p> <p>I agree with the Organization. The incident involved sensitive identity and financial information that 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 the unintended recipient “never admitted that she actually knew [the money orders] were not hers when she deposited them but when questioned about ... not noticing the difference in amounts She said she needed the money so went ahead and deposited them.” The Organization also reported that, after speaking with the unauthorized recipient, the District Manager “believed” no copies were made of the information.</p>

	<p>Overall, the Organization reported that “there is a very low likelihood that harm could result as all the documents were returned... The only risk would be if the person who had the information kept photocopies or recorded information and did not disclose this to us.”</p> <p>In my view, the likelihood of harm is reduced because the incident resulted from human error and not malicious intent, the information was recovered, and the money orders were voided and recovered. Nonetheless, I am concerned that the money orders were cashed despite the discrepancies in amounts, and that it took almost three weeks for the information to be returned to the Organization. These factors increase the likelihood of significant harm resulting from this incident.</p>
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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 there is a real risk of significant harm to the affected individuals.

The incident involved sensitive identity and financial information that could be used to cause the significant harms of identity theft and fraud. The likelihood of harm is reduced because the incident resulted from human error and not malicious intent, the information was recovered, and the money orders were voided and recovered. Nonetheless, I am concerned that the money orders were cashed despite the discrepancies in amounts, and that it took almost three weeks for the information to be returned to the Organization. These factors increase the likelihood of significant harm resulting from this incident.

I require the Organization to notify the affected individual in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified the affected individual in person on February 17, 2016. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner