



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Fluent Home Ltd. (Organization)
<b>Decision number (file number)</b>	P2017-ND-72 (File #005639 )
<b>Date notice received by OIPC</b>	May 17, 2017
<b>Date Organization last provided information</b>	June 26, 2017
<b>Date of decision</b>	July 14, 2017
<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>	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• credit card or bank account information, and</li><li>• verbal passwords for home security systems.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On April 28, 2017, a vehicle belonging to an employee of the Organization was stolen.</li><li>• The vehicle contained customer account records, in paper format.</li><li>• The incident was discovered the same day.</li><li>• To date, the information has not been recovered.</li></ul>

<b>Affected individuals</b>	The incident affected 8 customers of the Organization.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Reported incident to law enforcement.</li> <li>• Contacted affected individuals by telephone and email and provided assistance to change passwords.</li> <li>• Advised affected individuals to contact banks and credit card companies.</li> <li>• Arranged to cover the costs of credit monitoring services.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by telephone and in writing on May 3, 2017.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><b>Harm</b> 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 “The potential harm to the individual's [sic] whose information was stolen includes possible financial [sic] loss, fraud and identity theft, negative effects on credit record if the credit card information or bank account information is accessed and used and possible loss or damage to property in the event their home is accessed using the password to the alarm system.”</p> <p>I agree with the Organization. The information at issue includes contact, and financial information that could be used to cause the harms of identity theft, fraud and financial loss. In addition, the verbal passwords could be used to cause possible loss or damage to property. 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 “the information has not been recovered, however there is no way to determine who if anyone has access to the records and if the records have been accessed... we are not aware of any incidents of such theft occurring [sic] and steps are being taken to change all the passwords of the individuals involved.”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the incident was the result of malicious intent (vehicle theft and stolen papers) and the information has not been recovered. The Organization’s action to notify affected customers and provide assistance to change passwords significantly reduces the likelihood of possible loss or damage to property resulting from this incident.</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 information at issue includes contact, and financial information that could be used to cause the harms of identity theft, fraud and financial loss. In addition, the verbal passwords could be used to cause possible loss or damage to property. These are significant harms. The likelihood of harm resulting from this incident is increased because the incident was the result of malicious intent (vehicle theft and stolen papers) and the information has not been recovered. The Organization's action to notify affected customers and provide assistance to change passwords significantly reduces the likelihood of possible loss or damage to property resulting from this incident.

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

I understand affected individuals were notified by telephone and in writing on May 3, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner