



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	Dolden Wallace Follick LLP (Organization)
Decision number (file number)	P2017-ND-103 (File #006060)
Date notice received by OIPC	July 12, 2017
Date Organization last provided information	July 12, 2017
Date of decision	July 25, 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) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved the following information: <ul style="list-style-type: none">• name,• contact information,• personal income,• social insurance number. <p>This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA.</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 June 13 or 14, 2017, the vehicle of an employee with the Organization was broken into and the employee's briefcase was stolen. The briefcase contained income tax documents of a client adverse in interest in litigation.• The theft was discovered on June 14, 2017.

Affected individuals	The incident affected one (1) individual in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Reported incident to law enforcement. • Reported incident to Law Society of Alberta. • The affected individual advised the Organization that he has notified his bank, credit card company, and credit reporting agencies.
Steps taken to notify individuals of the incident	The affected individual’s counsel was notified verbally on June 14, 2017, with follow-up email correspondence to be sent as more details are available.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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>The Organization reported “The documents stolen contain information that could be used for identity theft or fraud against one individual.”</p> <p>I agree with the Organization. The contact, identity and financial information at issue could be used to cause the harms of identity theft and fraud. These are significant harms.</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>The Organization reported that “It is our opinion that there is a low probability that harm may result. It is unlikely that the information was the intended target of the theft. It is more likely that the thief was hoping to find a wallet with cash or electronics, and would have discarded any papers found. There is a possibility that the thief (or anyone who might find the papers if they were discarded) could use the information contained in the stolen documents for a fraudulent purpose.”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the documents were stolen, indicating malicious intent, and they have not been recovered. The Organization can only speculate that the information was not the intended target, and would be discarded.</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 individual. The contact, identity and financial information at issue could be used to cause the significant harms of identity theft and fraud. The likelihood of harm resulting from this incident is increased because the documents were stolen, indicating malicious intent, and they have not been recovered. The Organization can only speculate that the information was not the intended target, and would be discarded.	

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

I understand the affected individual's legal counsel was notified verbally on June 14, 2017. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner