



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	First Calgary Financial a division of Connect First Credit Union Ltd. (Organization)
Decision number (file number)	P2017-ND-118 (File #003461)
Date notice received by OIPC	July 8, 2016
Date Organization last provided information	March 31, 2017
Date of decision	August 9, 2017
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals pursuant to section 37.1 of the Personal Information Protection Act (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">• first and last name,• address (physical or mailing),• telephone number,• branch/transit number, and• member account number. <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 checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On May 17, 2016, a teller with the Organization gathered cheques received for the day (for deposit or cash), printed a listing of items to be balanced, bundled them and believes they were taken to the scanner.

	<ul style="list-style-type: none"> On May 18, 2016, the Organization discovered that the bundle of cheques was missing and had not been scanned into the cheque scanner. The Organization searched various locations but the cheques have not been located.
Affected individuals	The incident affected 42 individuals
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Searched various locations for the cheques. Reviewed surveillance camera footage. It is not clear that the cheques did not leave the branch. Contacted members who deposited/cashed cheques and requested they contact the cheque issuers to issue stop payments. Offered to cover any costs associated with stop payments.
Steps taken to notify individuals of the incident	Members were contacted by telephone between May 31, 2016 and June 15, 2016 and asked to contact the individuals that issued the cheques in an effort to receive replacements.
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 incident “...could result in financial fraud and possible identity theft.” Further, “A criminal would be able to duplicate cheques and attempt to gain funds from an account. Although identity [t]heft could occur, it would be difficult to produce identificaton [sic] based on name, address and phone number without having a SIN or other identification information. Clearing a cheque through an account is one step of the dual process method in ascertaining identity non-face to face (Proceeds of Crime (Money Laundering) and Terrorist Financing).”</p> <p>I agree with the Organization. The contact and financial information at issue 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 that “The likelihood of harm occurring [sic] is considered as low. The original cheques have not been located and we are not 100% certain that the cheques did not leave the branch. The teller in question is no longer employed by the credit union. The teller resigned shortly after this incident with her last day of employment being June 21, 2016. The potential harm is not knowing whether the cheques left the branch. The cheques could be in the hands of a criminal or could have been taken by the teller. There is no evidence to support either and no evidence [sic] of malicious intent or purpose.”</p>

	<p>In my view, there is a real risk of harm resulting in this case. It is not clear that the incident resulted from human error, and malicious intent is a possibility. The Organization cannot confirm that the cheques did not leave the branch premises. The cheques have not been recovered.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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.</p> <p>The contact and financial information at issue could be used to cause the harms of identity theft and fraud. These are significant harms. It is not clear that the incident resulted from human error, and malicious intent is a possibility. The Organization cannot confirm that the cheques did not leave the branch premises. The cheques have not been recovered.</p> <p>The Organization is required to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation). I understand that members were contacted by telephone between May 31 - June 15, 2016 and asked to contact the individuals that issued the cheques in an effort to receive replacements. The Organization is not required to notify affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner