



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

<b>Organization providing notice under section 34.1 of PIPA</b>	AGF Investments Inc. (Organization)
<b>Decision number (file number)</b>	P2019-ND-024 (File #010647)
<b>Date notice received by OIPC</b>	November 13, 2018
<b>Date Organization last provided information</b>	November 13, 2018
<b>Date of decision</b>	February 15, 2019
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization 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 all or some of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• account number, and</li><li>• account information.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• A redemption request was initiated by the affected individual. The request was processed by the Organization’s affiliated transfer agency administrator, AGF CustomerFirst Inc. (“AGFC”), and a cheque was mailed to the affected individual’s address on file in Athabasca, Alberta.</li><li>• The cheque was intercepted by a third party and successfully cashed, with no endorsement, at a bank branch in Toronto, Ontario. The date the cheque was cashed was June 5, 2018.</li></ul>

	<ul style="list-style-type: none"> <li>The breach was discovered on June 7, 2018 when the financial advisor for the affected individual notified AGFC that the affected individual had not received their redemption cheque. Upon review, it was confirmed by AGFC's bank that the cheque had been cashed two days prior.</li> <li>The funds were successfully recovered on June 18, 2018.</li> </ul>
<b>Affected individuals</b>	The incident affected one individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Conducted an internal investigation.</li> <li>Placed an interim stop redemptions flag on the affected individual's accounts.</li> <li>Created a new account to replace the affected individual's account and changed the client number.</li> <li>Assisted the affected individual with recovering the funds from their bank.</li> <li>Reported the incident to the Canadian Anti-Fraud Centre.</li> <li>Implemented changes to the mail and delivery process.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified by letter sent by courier and email, on September 21, 2018.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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>The Organization reported that "There is a potential for misuse or unauthorized access of the personal information by the third party who intercepted and cashed the affected individual's redemption cheque."</p> <p>I agree with the Organization's assessment. The financial information at issue could be used to cause the significant harms of identity theft, fraud and financial loss.</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>The Organization reported that it has "...assessed the likelihood that the harm will result is high. The personal information was exposed to an unknown third party who was able to successfully cash the affected individual's redemption cheque with no endorsement or authorization from the affected individual."</p> <p>I agree with the Organization's assessment. The likelihood of harm resulting from this incident is increased as it resulted from malicious intent (deliberate interception) and did result in fraudulent activity.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
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 financial information at issue could be used to cause the significant harms of identity theft, fraud and financial loss. The likelihood of harm resulting from this incident is increased as it resulted from malicious intent (deliberate interception) and did result in fraudulent activity.

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 affected individual was notified by letter sent by courier and email, on September 21, 2018. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner