



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

<b>Organization providing notice under section 34.1 of PIPA</b>	KARO Dental Care (Organization)
<b>Decision number (file number)</b>	P2019-ND-147 (File #008092)
<b>Date notice received by OIPC</b>	March 23, 2018
<b>Date Organization last provided information</b>	December 13, 2018
<b>Date of decision</b>	August 19, 2019
<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 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>• cancelled cheques,</li><li>• void cheques,</li><li>• business bank statements and financials,</li><li>• business deposit books, and</li><li>• payroll records including staff T4s (with social insurance numbers) and banking information.</li></ul> <p>These documents include information about identifiable individuals which 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>• The Organization rents a storage locker to store inactive patient files and archived accounting records.</li></ul>

	<ul style="list-style-type: none"> <li>• Between March 5-6, 2018, “The locker was broken in to and some of the records were stolen. One 4 drawer filing cabinet full along with 10 - 15 banker boxes, both full of archived records. The exact volume is difficult to determine.”</li> <li>• The incident was discovered on March 6, 2018.</li> </ul>
<b>Affected individuals</b>	The incident affected approximately 32 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Replaced the lock.</li> <li>• Reassessed the storage company’s security system.</li> <li>• Contacted the Organization’s bank.</li> <li>• Advised staff to contact their banking institutes and credit reporting agencies.</li> <li>• Notified the RCMP.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified verbally on March 6, 2018.
<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 possible harm(s) that might result from this incident include “Possible fraud, identify [sic] theft, negative effects on credit, possible damage/ loss of property” and “Possible more harm to staff due to payroll information...”.</p> <p>I agree with the Organization that a reasonable person would consider that the contact, identity and financial information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss.</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 that “At this time the respective banking institutions have been notified, all staff members have been notified. We have contacted the insurance company as well. An incident report has been completed ... and a Break and Enter Report has been filed with the Spruce Grove RCMP. I am not able to assess the likelihood of further harm. The records are still missing and there are no leads to indicate that they will be recovered.”</p> <p>The Organization subsequently reported that “After completely going through the old locker I am fairly confident the payroll was not compromised as much as initially thought.” Further, the Organization said that the boxes containing staff personal information were at the back of the locker and not opened.</p> <p>In my view, the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in). Although the Organization reported it is “fairly confident the payroll was not compromised as much as initially thought” and</p>

	<p>boxes were at the back of the locker and not opened, I do not find this to be reassuring. I do not know why the Organization is “fairly confident” nor why the Organization believes the boxes were not opened. What is confirmed is that the locker was broken into and “some of the records were stolen” and not recovered. Personal information in the storage locker was accessible to the perpetrators.</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 that there is a real risk of significant harm to the affected individuals.

A reasonable person would consider that the contact, identity and 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 was the result of malicious intent (break-in). Although the Organization reported it is “fairly confident the payroll was not compromised as much as initially thought” and boxes were at the back of the locker and not opened, I do not find this to be reassuring. I do not know why the Organization is “fairly confident” nor why the Organization believes the boxes were not opened. What is confirmed is that the locker was broken into and “some of the records were stolen” and not recovered. Personal information in the storage locker was accessible to the perpetrators.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand that affected individuals were notified verbally on March 6, 2018. The Organization is not required to notify the individuals again.

Jill Clayton  
Information and Privacy Commissioner