



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Tacony Corporation (Organization)
Decision number (file number)	P2019-ND-192 (File #013285)
Date notice received by OIPC	May 10, 2019
Date Organization last provided information	May 10, 2019
Date of decision	December 13, 2019
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 whose personal information was collected in Alberta, 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”	Information involved in the breach included: <ul style="list-style-type: none">• name,• address,• credit card number, expiry date and security code. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta via the Organization’s website, www.amazingdesigns.com.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On March 12, 2019, the Organization confirmed that code inserted into its online store, www.amazingdesigns.com, was capable of capturing customer payment card information entered between June 7, 2018 and February 4, 2019.• The code was removed.

Affected individuals	The incident affected 18 Alberta residents.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Investigated and assessed the security of the website. • Reviewing policies and working to implement additional safeguards. • Providing potentially affected individuals access to 12 months of credit monitoring and identity restoration services
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on May 3, 2019.

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 that it is “...providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank”.</p> <p>In my view, a reasonable person would consider that the contact and financial information at issue could be used to cause the significant harms of identity theft and fraud.</p>
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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 did not specifically assess the likelihood of harm resulting from this incident.</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased as the breach was the result of malicious intent (deliberate action, malicious code). The information appears to have been exposed for almost 8 months.</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 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 as the breach was the result of malicious intent (deliberate action, malicious code). The information appears to have been exposed for almost 8 months.

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

I understand affected individuals were notified by letter on May 3, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner