



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Kayden Industries LP (Organization)
Decision number (file number)	P2020-ND-114 (File #016538)
Date notice received by OIPC	July 28, 2020
Date Organization last provided information	October 1, 2020
Date of decision	October 2, 2020
Summary of decision	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).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved some or all of the following information from personnel files:</p> <ul style="list-style-type: none">• name,• address,• Social Insurance Number,• photo/image, and• benefits and general information forms. <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 July 18, 2020, unknown persons entered the Organization’s facility (warehouse and front office), rummaged through cabinets and desks, and removed items.• The warehouse was previously damaged by fire on March 9, 2020.

	<ul style="list-style-type: none"> • The Organization reported that it appeared some of its personnel files might have been compromised. • The Organization notified its landlord and city police, who are currently investigating the incident.
Affected individuals	The incident affected 30 individuals residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Removed all files from the facility and secured files at the Organization’s new facility. • Scanned all files to a server and destroyed them. If paper files need to be retained, they will stored at a secure facility off-site. • Notified the local police service. • Notified affected individuals.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter commencing September 1, 2020.
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:</p> <p style="text-align: center;"><i>Social insurance numbers , addresses and names could have been accesed (sic) and photos taken.</i></p> <p>In my view, a reasonable person would consider that the contact and identity and employment information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss.</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:</p> <p style="text-align: center;"><i>The authorities believe that the persons who did this were only after scrap from the burnt building, and more than likely are not identity thieves. There is a chance that personal information could have been passed along to other parties.</i></p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in and theft). Although the Organization reported the perpetrator was likely looking for scrap items, the Organization can only speculate on the motives of the perpetrator(s). Finally, it does not appear that the personal information has been recovered.</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 individuals.	

A reasonable person would consider that the contact and identity and employment information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss. The likelihood of harm is increased as it was the result of malicious intent (break-in and theft). Although the Organization reported the perpetrator was likely looking for scrap items, the Organization can only speculate on the motives of the perpetrator(s). Finally, it does not appear that the personal information has been recovered.

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

I understand the Organization notified affected individuals in a letter commencing September 1, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner