



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

<b>Organization providing notice under section 34.1 of PIPA</b>	ATB Financial (Organization)
<b>Decision number (file number)</b>	P2020-ND-134 (File #014839)
<b>Date notice received by OIPC</b>	January 29, 2020
<b>Date Organization last provided information</b>	January 29, 2020
<b>Date of decision</b>	November 3, 2020
<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 the 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 the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• home address,</li><li>• home telephone number,</li><li>• Organization account number, and</li><li>• external account number and signature.</li></ul> <p>This information is about identifiable individuals and 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’s Edgerton agency was broken into overnight on December 27, 2019.</li><li>• The burglar(s) also broke into a locked credenza/filing cabinet and stole some personal information.</li><li>• The incident was discovered when the owner arrived at work.</li></ul>

<b>Affected individuals</b>	The incident affected 3 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Reported incident to the RCMP.</li> <li>• Temporarily closed the agency.</li> <li>• Requested affected individuals place a stop payment on the cheque and the Organization will cover applicable costs.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on January 6, 2020.
<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 cheques taken could be used to open fraudulent bank accounts, loans, or credit cards. However, it's highly unlikely that the cheques could be negotiated at another bank or financial institution. If these risks are realized these individuals may also have negative effects on their credit.”</p> <p>I agree with the Organization’s assessment. 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>
<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 it “... has notified all the impacted individuals who had their information stolen. To date the personal information stolen has not been recovered ...At the time of reporting to OIPC no suspects have been apprehended by police.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the breach was the result of malicious intent (break-in and theft). The information has not been recovered.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
<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>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 because the breach was the result of malicious intent (break-in and theft). The information has not been recovered.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p>	

I understand the affected individuals were notified by letter on January 6, 2020. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner