



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

Organization providing notice under section 34.1 of PIPA	V.A. MacDonald Q.C., Barrister & Solicitor (Organization)
Decision number (file number)	P2020-ND-137 (File #014826)
Date notice received by OIPC	January 9, 2020
Date Organization last provided information	January 9, 2020
Date of decision	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 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>	The Organization reported the incident involved “Contents of client files, including accounting records, correspondence, financial records, personal documents, and pleadings.”  This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
<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>• On December 20, 2019, following the failure of a desktop computer, the Organization’s IT provider removed the hard drive to determine if any data was recoverable.</li><li>• While in the IT provider’s possession, the hard drive and other items were stolen from the provider’s vehicle.</li><li>• The IT provider reported the theft to the Organization on December 23, 2019.</li></ul>
<b>Affected individuals</b>	The incident affected approximately 150 individuals.

<b>Steps taken to reduce risk of harm to individuals</b>	Reported the theft to law enforcement.
<b>Steps taken to notify individuals of the incident</b>	The Organization reported affected individuals were notified "ASAP" by "Letter circulated by email".
<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 are "Disclosure of personal information."</p> <p>In my view, a reasonable person would consider the legal, financial and personal 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 that "According to the tech involved the prospect of recovery of the data on the damaged hard drive was not promising [sic]."</p> <p>In my view, a reasonable person would consider that the risk of significant harm is increased as the breach resulted from malicious intent (vehicle break-in and theft). Although the hard drive was damaged, it appears it may be possible to recover information. The laptop 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 the legal, financial and personal information at issue could be used to cause the significant harms of identity theft and fraud. The risk of harm is increased as the breach resulted from malicious intent (vehicle break-in and theft). Although the hard drive was damaged, it appears it may be possible to recover information. The laptop has not been recovered.</p> <p>The Organization is required to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p><b>The Organization reported affected individuals were notified "ASAP" by "Letter circulated by email". I require the Organization to confirm in writing, within 10 days of the date of this decision, that affected individuals were notified.</b></p>	

Jill Clayton  
Information and Privacy Commissioner