



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Edmonton Soccer Association Facilities (Organization)
<b>Decision number (file number)</b>	P2021-ND-020 (File #016444)
<b>Date notice received by OIPC</b>	September 27, 2019
<b>Date Organization last provided information</b>	February 3, 2021
<b>Date of decision</b>	February 23, 2021
<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>	<p>The Organization is incorporated under Alberta’s <i>Societies Act</i> and is a “non-profit” organization as defined in section 56(1) of PIPA.</p> <p>Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>The Organization operates both indoor and outdoor soccer facilities in Edmonton. The Organization collects payments for the rentals of their facilities, storage fees, and meeting room rentals. These are commercial activities.</p> <p>To the extent the information at issue was collected in connection with these commercial activities, PIPA applies.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved some or all of the following information:</p> <ul style="list-style-type: none"><li>• first and last name,</li><li>• credit card number (but not CVV codes), and</li><li>• telephone number and/or email address (for some individuals).</li></ul>

	<p>The Organization reported that one of its customers was a for-profit organization; however, it had used personal credit cards, and the cards had been subsequently cancelled. All other customers were individuals.</p> <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>• In the early morning of September 26, 2019, the Organization’s offices were broken into. The perpetrator(s) went through numerous filing cabinets and desks, including paperwork with credit card information; however, no paperwork was missing.</li> <li>• The motion sensor alarm was triggered and the police, the security company, and the facility Maintenance Manager, who had discovered the unauthorized person on camera, attended the facility and saw papers disturbed and strewn about the floor.</li> </ul>
<b>Affected individuals</b>	The incident affected 30 individuals residing in Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Notified affected individuals and instructed them to monitor their credit information.</li> <li>• Included additional lockups of secure information.</li> <li>• Installed bars on the window that was used to gain access, and all other windows that may be used to gain access to the facility.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by telephone or email September 26, 2019.
<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, “There may be fraudulent attempts to use their credit card number online.”</p> <p>In my view, a reasonable person would consider that the contact and credit card at issue could be used to cause the significant harms of identity theft and fraud. Email addresses could be used for phishing purposes, increasing vulnerability to identity theft and fraud.</p>

<p><b>Real Risk</b></p> <p>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, “Because the information was shuffled through but not taken, it is our belief that this is highly unlikely. CVV codes were not stored with the credit card information.”</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). Although the Organization reported that “the information was shuffled through but not taken”, it is not clear whether the documents were viewed or copied.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></p>	
<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 credit card at issue could be used to cause the significant harms of identity theft and fraud. Email addresses could be used for phishing purposes, increasing vulnerability to identity theft and fraud. The likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in). Although the Organization reported that “the information was shuffled through but not taken”, it is not clear whether the documents were viewed or copied.</p> <p>I require the Organization to notify the affected individuals whose personal information was collected in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individuals by telephone and email on September 26, 2019 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton  
Information and Privacy Commissioner