



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	TH 17 th Ltd. (Organization)
Decision number (file number)	P2021-ND-074 (File #018726)
Date notice received by OIPC	September 22, 2020
Date Organization last provided information	November 19, 2020
Date of decision	March 9, 2021
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”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• first and last name,• address,• images,• passport information,• driver’s license number,• tax information,• social insurance number, and• banking information. <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 14, 2020, a member of the public found personnel files in a grocery cart and contacted the Office of the Information and Privacy Commissioner (OIPC).

	<ul style="list-style-type: none"> • The Organization reported that a “Restaurant closure lead [sic] to employee files from old ownership not being discarded properly due to COVID-19 restrictions and miscommunication during permanent restaurant closure.” • The Organization discovered the breach on September 21, 2020 when notified by the OIPC.
Affected individuals	The incident affected ten (10) individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Destroyed files after showing them to the affected individuals who wanted to see them. • Using e-documentation on secured servers. The Organization does not use paper documentation. The documents that went missing are believed to have belonged to the previous owners.
Steps taken to notify individuals of the incident	<p>The affected individuals were notified verbally between October 26 and October 30, 2020.</p> <p>The Organization reported that two (2) individuals could not be notified as they had moved away from Alberta.</p>
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<p>Harm</p> <p>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 harms that may occur as a result of the breach are “Identity and mail use [sic] of the individuals whose information has been breached.”</p> <p>In my view, a reasonable person would consider that the contact, identity, tax and financial information at issue could be used to cause the significant harms of financial loss, fraud, identity theft, and negative impact on a credit record.</p>
<p>Real Risk</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 there is a “70-80 percent chance that a harm could occur.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased as the incident does not appear to be the result of malicious intent. However, the Organization does not know how the records came to be in the community, and cannot be sure that all records have been recovered. Further, the Organization does not know how long the documents were exposed.</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, identity, tax and financial information at issue could be used to cause the significant harms of financial loss, fraud, identity theft, and negative impact on a credit record. The likelihood of harm resulting from this incident is decreased as the incident does not appear to be the result of malicious intent. However, the Organization does not know how the records came to be in the community, and cannot be sure that all records have been recovered. Further, the Organization does not know how long the documents were exposed.

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 the Organization notified most of the affected individuals verbally between October 26 and October 30, 2020. **I require the Organization to confirm to my Office in writing, within ten (10) days of the date of this decision, that the notification to these individuals was in accordance with the Regulation.**

I accept that direct notice is unreasonable where the Organization does not have contact information. **I require the Organization to confirm to my Office in writing, within ten (10) days of the date of this decision, of steps it has taken to notify affected individuals indirectly.**

Jill Clayton
Information and Privacy Commissioner