



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Home Depot of Canada Inc. (Organization)
Decision number (file number)	P2021-ND-157 (File #018489)
Date notice received by OIPC	December 2, 2020
Date Organization last provided information	December 2, 2020
Date of decision	August 25, 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">• name,• email address,• telephone number,• address,• order information, and• last four (4) digits of a payment card. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On October 27, 2020, the Organization experienced a system error that resulted in a number of Canadian customers receiving multiple emails for orders that they did not place.

	<ul style="list-style-type: none"> On October 28, 2020, the Organization’s IT support group discovered the issue and it was stopped within 45 minutes. The incident stemmed from a manual technology operation related to updates in certain system-generated emails. The operation in question was not successful, but it was caught through the Organization’s monitoring processes, which identified certain anomalies.
Affected individuals	The incident affected 2,631 individuals, including 236 individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Requested the unintended recipients delete emails that were not intended for them. Provided affected individuals with best practice tips from the Canadian Fraud Centre for preserving privacy online. Have taken/or will undertake more stringent peer review of system transports to production especially when manual technology operations are involved. Will look for opportunities for automation to avoid manual steps in the above processes.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone on October 28, 2020 and by mail during the period of November 12, 2020 to November 16, 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 the potential harm as “Relatively low risk of misuse of email addresses.”</p> <p>In my view, a reasonable person would consider that contact information and email address, particularly in conjunction with order information, could be used for the purposes of phishing, increasing the affected individuals’ vulnerability to identity theft and fraud. These are significant harms.</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:</p> <p><i>We believe the likelihood is low that the harm will result as the information that was inadvertently disclosed is not sensitive and was inadvertently sent to other Home Depot customers and not to the public at large. Furthermore, this was not a malicious event, either internally or externally, and we have no evidence that this information has been misused in any way.</i></p>

	In my view, although the unauthorized disclosure was caused by human error, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the Organization did not receive confirmation from the unintended recipients that the email was deleted and not copied, forwarded or otherwise distributed.
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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 contact information and email address, particularly in conjunction with order information, could be used for the purposes of phishing, increasing the affected individuals' vulnerability to identity theft and fraud. These are significant harms. Although the unauthorized disclosure was caused by human error, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the Organization did not receive confirmation from the unintended recipients that the email was deleted and not copied, forwarded or otherwise distributed.

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 the affected individuals by telephone on October 28, 2020 and by mail during the period of November 12, 2020 to November 16, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner