



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Clear Sky Capital Inc. (Organization)
<b>Decision number (file number)</b>	P2021-ND-163 (File #017850)
<b>Date notice received by OIPC</b>	July 16, 2020
<b>Date Organization last provided information</b>	June 28, 2021
<b>Date of decision</b>	August 25, 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 the individuals whose information was collected in Alberta 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 some or all of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• social insurance number, and</li><li>• amount invested.</li></ul> <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>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On May 1, 2020, the Organization’s accounting firm mailed end of year tax forms to the Organization’s clients.</li><li>• The tax forms were inadvertently printed double-sided. As a result, certain clients of the Organization received their own tax form and the tax form for another client.</li></ul>

<b>Affected individuals</b>	The incident affected 57 individuals, including 30 whose information was collected in Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Offered affected individuals free credit and identity protection product.</li> <li>• Reported the incident to the Office of the Privacy Commissioner of Canada.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter and email on June 30, 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 “Disclosure of this information could put impacted client’s [sic] at risk of identity theft and fraud.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the contact, identity 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 did not specifically assess the likelihood that significant harm would result from this incident, but reported it is...</p> <p><i>... providing direct notice to the impacted clients by postal mail and email. The notice will include an offer of a free credit and identity protection product for 12 months from Equifax.</i></p> <p>In my view, a reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the Organization reported it did not follow-up with the unintended recipients to request that the information be returned to them, or be destroyed, and not forwarded, re-distributed, or copied, etc. Although the Organization has put additional safeguards, these were not in place at the time of the breach. Further, this does not necessarily mitigate the potential harm that may result if the information were to be used for fraudulent purposes.</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 and financial information at issue could be used to cause the significant harms of identity theft and fraud. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the Organization reported it did not follow-up with the unintended recipients to request that the information be returned to them, or be destroyed, and not forwarded, re-distributed, or copied, etc. Although the Organization has put additional safeguards, these were not in place at the time of the breach. Further, this does not necessarily mitigate the potential harm that may result if the information were to be used for fraudulent purposes.

The Organization is required to notify the affected individuals whose information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation*.

I understand that affected individuals were notified by letter and email on June 30, 2020. The Organization is not required to notify affected individuals again.

Jill Clayton  
Information and Privacy Commissioner