



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	American College of Emergency Physicians (Organization)
Decision number (file number)	P2021-ND-165 (File #018119)
Date notice received by OIPC	November 17, 2020
Date Organization last provided information	November 17, 2020
Date of decision	August 26, 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 a professional organization for emergency medicine physicians located in Irving, Texas. 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 the following information:</p> <ul style="list-style-type: none">• name,• address,• payment card account number,• expiry date,• card security code, and• zip code (postal code). <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 at issue was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> • On September 7, 2020, the Organization discovered unusual activity on its e-commerce site and commenced an investigation. • On September 24, 2020, the investigation confirmed that payment card information used for a subset of purchases on the e-commerce site between May 21, 2020 and September 22, 2020 was potentially subject to unauthorized acquisition. • Once the Organization confirmed the scope of the incident, it took steps to identify which customers may have been impacted and identified address information so that notice could be provided.
<p>Affected individuals</p>	<p>The incident affected seven (7) Alberta residents.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Investigated and responded to the incident and assessed the security of its systems. • Disabled payment card transactions and rebuilt e-commerce servers in a secure environment. • Provided notice to payment card brands, payment card processor, and notifying the impacted cardholders. • Advised affected individuals to remain vigilant for fraudulent charges or misuse by monitoring their payment card accounts and encouraging cardholders to promptly report unauthorized or suspicious activity to their bank, credit union, or credit card company. • Provided individuals with information about how to place a fraud alert and security freeze on their credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports. • Encouraged individuals to contact the Office of the Privacy Commissioner for more information on how to protect against identity theft and fraud. • Notified consumer reporting agencies, the Office of the Privacy Commissioner of Canada, and other U.S. state regulators as necessary.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by letter on or about November 16, 2020.</p>

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>In its letter reporting the breach to my office, the Organization did not specifically identify the type of harm(s) that might result from this incident, but said that it was “providing individuals with information, generally, ... on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft...”.</p> <p>In my view, a reasonable person would consider that the contact and financial information at issue could be used to cause the significant harms of identity theft and fraud and financial loss.</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 did not specifically assess the likelihood that significant harm would result from this incident.</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate intrusion). Further, the information may have been exposed for approximately four (4) months.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 financial information at issue could be used to cause the significant harms of identity theft and fraud and financial loss. The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate intrusion). Further, the information may have been exposed for approximately four (4) months.</p> <p>I require the Organization to notify the affected individuals whose 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 letter on or about November 16, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner