



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	First Canadian Title Company Limited (Organization)
Decision number (file number)	P2021-ND-292 (File #019573)
Date notice received by OIPC	February 22, 2021
Date Organization last provided information	October 21, 2021
Date of decision	March 2, 2022
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,• mortgage information,• address,• date of birth,• citizenship,• sex,• telephone number,• signature,• copy of driver’s license, and• copy of mortgage statement. <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 checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • The Organization reported an incident “involving potential unauthorized access to personal information in [its] control”. • On January 20, 2021, the affected individuals couriered documents to a representative of the Organization. • The representative did not receive them. • The package could not be located.
Affected individuals	The incident affected 2 (two) individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Offered free credit and identity protection for 12 months. • Reported the incident to the Office of the Privacy Commissioner of Canada.
Steps taken to notify individuals of the incident	The affected individuals were notified by telephone and by email on February 9, 2021, February 16, 2021 and February 23, 2021.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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>The Organization reported “Disclosure of this information could put impacted individuals at risk of identity theft and fraud.”</p> <p>I accept the Organization’s assessment. A reasonable person would consider that the contact, identity and financial information could be used to cause the significant harms of identity theft and fraud.</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>The Organization did not specifically provide an assessment of the likelihood that significant harm would result from this incident. However, it reported it offered affected individuals free credit and identity protection for 12 months.</p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting in this case is increased because the Organization does not know the cause of the incident (theft or misplaced/lost), and the documents have not been recovered.</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 could be used to cause the significant harms of identity theft and fraud. The likelihood of significant harm resulting in this case is increased because the Organization does not know the cause of the incident (theft or misplaced/lost), and the documents have not been recovered.

The Organization is required 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 affected individuals were notified by telephone and by email on February 9, 2021, February 16, 2021, and February 23, 2021. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner