



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	USA Waste-Management Resources, LLC (Organization)
Decision number (file number)	P2021-ND-309 (File #021904)
Date notice received by OIPC	June 25, 2021
Date Organization last provided information	December 15, 2021
Date of decision	March 4, 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’s head office is in Houston, 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,• social insurance number (or national ID),• date of birth,• driver’s license number, and• health insurance information including policy numbers and claims amounts. <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> <p>The Organization reported that it “...has not established that personal information was in fact taken or accessed by the unauthorized actor. However, the potentially compromised personal information included (the above personal information).”</p>

DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • The Organization stores certain information for its Canadian affiliates on its servers. • On January 21, 2021, the Organization’s security controls reported suspicious activity on this network. • The Organization investigated, and determined that an unauthorized actor entered the Organization’s environment between January 21 and 23, 2021, accessed certain files, and took a limited number of files. • On May 4, 2021, the Organization determined that the potentially compromised files contained the personal information of certain individuals. However, the Organization does not currently have evidence that the files containing personal information were actually taken or accessed by the unauthorized actor. • The Organization reported, “Because of the uncertainty surrounding the incident, and the inability to positively exclude access to or taking of personal information, [the Organization] made the decision to notify all individuals who had personal information stored on the drive areas where there was evidence of potential access...”.
Affected individuals	The incident affected 3,314 residents of Alberta
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Activated its Incident Response Plan and maintains a Written Information Security Program. • Investigated and restored the security of its systems. • Established a call center affected individuals may use in the event of questions regarding the incident. • Provided potentially impacted individuals with guidance on how to better protect themselves against identity theft and fraud. • Notified data protection authorities. • Implemented additional safeguards to help prevent similar occurrences in the future.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter from May 28, 2021 to June 7, 2021.

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,</p> <p><i>The information potentially impacted includes sensitive information, including Social Insurance Numbers and driver’s licence numbers. As a result, if this information has in fact been accessed or taken by the unauthorized actors, there would be a potential for this information to be misused. As described above, [the Organization] continues to work to establish the extent to which personal information may have been impacted; however to date, [the Organization] does not currently have evidence that the files containing personal information were in fact taken or accessed by the unauthorized actor.</i></p> <p>In my view, a reasonable person would consider that the contact, identity and insurance information at issue could be used to cause the harms of identity theft and fraud. These are significant harms.</p>
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<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>The incident resulted from unauthorized access to... systems by an unknown actor. This actor took copies of certain files ...however, [the Organization] has not been able to determine that these files did, or did not, include personal information, or that the personal information residing on these servers was accessed. Should the files taken or accessed have included the personal information on the affected servers, there would be the potential for the unauthorized actor to publish data they have obtained, or to otherwise use it.</i></p> <p><i>Given the sensitivity of the information potentially impacted, and the involvement of unknown unauthorized actors, [the Organization] determined that it is appropriate to report the matter to the affected individuals, and the Office of the Information and Privacy Commissioner of Alberta.</i></p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the incident is the result of malicious action of an unknown third party (deliberate intrusion). The Organization cannot confirm the compromised files did not include personal information. Further, the information may have been exposed for approximately three (3) days.</p>
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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 the contact, identity and insurance information at issue could be used to cause the harms of identity theft and fraud. These are significant harms. The likelihood of harm resulting from this incident is increased because the incident is the result of malicious action of an unknown third party (deliberate intrusion). The Organization cannot confirm the compromised files did not include personal information. Further, the information may have been exposed for approximately three (3) days.

I require the Organization to notify the affected individuals whose information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals by letter from May 28, 2021 to June 7, 2021 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner