



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Americold Realty Trust (Organization)
<b>Decision number (file number)</b>	P2021-ND-332 (File #022313)
<b>Date notice received by OIPC</b>	April 24, 2021
<b>Date Organization last provided information</b>	December 17, 2021
<b>Date of decision</b>	March 9, 2022
<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 those individuals whose personal information was collected in Alberta pursuant to section 37.1 of <i>the Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization is located in Atlanta, GA, and 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 all or some of the following information:</p> <ul style="list-style-type: none"><li>• full name,</li><li>• date of birth,</li><li>• social insurance number,</li><li>• passport number, or</li><li>• “other government issued identification number”.</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 personal information was collected in Alberta, PIPA applies.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

<b>Description of incident</b>	<ul style="list-style-type: none"> <li>On November 15, 2020, the Organization was subject to a ransomware attack. The attack was discovered on the following day, November 16, 2020.</li> <li>An investigation determined that the attacker had access to the Organization’s systems as early as October 29, 2020.</li> <li>In a December 17, 2021 update, the Organization explained that the attacker gained access to the environment by “[exploiting] a vulnerability in a server” and also confirmed that “Certain records were exfiltrated in connection with the incident.”</li> </ul>
<b>Affected individuals</b>	The incident affected 181 individuals in Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Shut down affected systems.</li> <li>Restored systems from backup.</li> <li>Notified law enforcement.</li> <li>Offered credit and identity theft monitoring services to affected individuals.</li> <li>Conducted a security program assessment.</li> <li>Conducted employee training.</li> <li>Amended administrative and technical safeguards.</li> <li>Strengthened and enhanced security of systems in its network.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on April 21, 2021.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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.	The Organization reported that it “... has assessed that ... individuals ... could be at risk of identity theft or harm as a result of this incident.”  I agree with the Organization’s assessment. A reasonable person would consider the identity information at issue (date of birth, social insurance number, passport number, other government issued identification) could be used to cause the significant harms of identity theft or fraud.
<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.	The Organization said in its report that it “has no reason to believe that the information has been or will be misused”.  The Organization subsequently reported on December 17, 2021 that it...  <i>... has no evidence that any information was published online.</i>

	<p><i>Based on the results of the investigation, there was no evidence that information was or would be further disclosed. As such, [the Organization] assessed the likelihood that harm would occur as low.</i></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 a third party (deliberate intrusion and deployment of ransomware). The Organization confirmed that records were exfiltrated. The lack of evidence that the information was published online or disclosed further does not mitigate future harm as identity theft and fraud can occur months or years after a breach.</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 the identity information at issue (date of birth, social insurance number, passport number, other government issued identification) could be used to cause the significant harms of identity theft or fraud.

The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of a third party (deliberate intrusion and deployment of ransomware). The Organization confirmed that records were exfiltrated. The lack of evidence that the information was published online or disclosed further does not mitigate future harm as identity theft and fraud can occur months or years after a breach.

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 affected individuals by letter on April 21, 2021, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner