



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Witten LLP (Organization)
Decision number (file number)	P2022-ND-026 (File #022314)
Date notice received by OIPC	April 23, 2021
Date Organization last provided information	April 23, 2021
Date of decision	May 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 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">• photocopies of drivers licenses,• credit cards,• void cheques,• cheques,• bank instructions to law firm for new mortgage or payout of old mortgage,• mortgage approval and disclosure to borrower, and• mortgage and related documentation. <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"> On March 23, 2021, an employee with the Organization was working remotely and had taken files home for reporting. The employee's vehicle was broken into. The employee subsequently learned that client files/documents were stolen from the vehicle.
Affected individuals	The incident affected 10 individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Revised policies relating to removal and handling of client files/documents.
Steps taken to notify individuals of the incident	The affected individuals were notified by email on April 19, 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.	The Organization reported the possible harms that may occur as a result of the breach are "Identify theft, fraudulent credit card charges, fraudulent cheques." 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 harms of identity theft and fraud.
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.	The Organization reported that the likelihood that the harm will result is, <i>Moderately likely. We are not aware of any information to suggest that the theft was targeted at obtaining this type of information.</i> 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 intent (vehicle break-in and theft). The Organization can only speculate as to the motives of the thief.
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 harms of identity theft and fraud.	

The likelihood of harm resulting from this incident is increased because the incident is the result of malicious intent (vehicle break-in and theft). The Organization can only speculate as to the motives of the thief.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the affected individuals were notified by email on April 19, 2021 in accordance with the Regulation. The Organization is not required to notify the individuals again.

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance