



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	ATB Financial (Organization)
Decision number (file number)	P2020-ND-051 (File #014080)
Date notice received by OIPC	December 4, 2019
Date Organization last provided information	December 4, 2019
Date of decision	May 22, 2020
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those 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 the contents of a safe, which contained paper cheques, deposit slips, withdrawal slips, and transfer slips. From these documents, it was determined that the following pieces of information were stolen for some of the individuals:</p> <ul style="list-style-type: none">• name,• home address,• home telephone number,• ATB account number,• external account number, and• signature. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</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 November 10, 2019, the Organization’s location in Peers, Alberta was broken into and a safe was stolen.

	<ul style="list-style-type: none"> • The RCMP were contacted and attended the scene. • To date the contents of the safe have not been recovered.
Affected individuals	The incident affected 15 individuals residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Contacted the RCMP and the agency remains closed. • Requested affected individuals place a stop payment on cheques, with the Organization to cover costs. • Close the impacted accounts and opened new ones.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on November 29, 2019.
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 style="text-align: center;"><i>We believe there is a risk of significant harm to the 15 individuals whose information was impacted as a result of the theft. However, additional information would be required to access their [Organization] account ...e.g. security questions or verbal password, and transactional history knowledge, etc. If the burglar(s) obtain additional personal information on the victims, the information may be used for fraud or identity theft.</i></p> <p>The Organization also said “The documents contained in the safe along with additional pieces of information could be used to open fraudulent bank accounts, loans, and credit cards. If these risks are realized these customers may also have negative effects on their credit”.</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the contact and financial information at issue could be used to cause the significant harms of identity theft, fraud, negative effects on credit, 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 reported that:</p> <p style="text-align: center;"><i>To date the safe and it’s [sic] contents have not been recovered ... As the cheques have already been stamped they should not be accepted by another financial institution for negotiation. If the cheques are accepted by another financial institution in error, the drawer may suffer financial harm. Given the information was lost as a result of burglary, malicious intent (sic)...</i></p>

	<p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in and theft). The contents of the safe have not been recovered.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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, fraud, negative effects on credit, and financial loss. The likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in and theft). The contents of the safe have not been recovered.</p> <p>I require the Organization to notify the affected individuals 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 in a letter dated November 29, 2019 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner