



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Capital Brands Distribution, LLC (Organization)
<b>Decision number (file number)</b>	P2020-ND-066 (File # 015735)
<b>Date notice received by OIPC</b>	April 29, 2020
<b>Date Organization last provided information</b>	April 29, 2020
<b>Date of decision</b>	July 15, 2020
<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 the <i>Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization 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 the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• payment card number, expiry date, and security code.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected via the Organization’s website <a href="http://www.nutribullet.com">www.nutribullet.com</a>.</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 March 17, 2020, the Organization learned about possible unauthorized access to its online shopping site <a href="http://www.nutribullet.com">www.nutribullet.com</a>.</li></ul>

	<ul style="list-style-type: none"> <li>The Organization’s investigation revealed than an unauthorized user changed the website's checkout page to collect customer information without authorization, for orders placed on the website with a credit or debit card between February 19, 2020 and March 17, 2020.</li> </ul>
<b>Affected individuals</b>	The incident affected 14 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Corrected the unauthorized change to the website and enhanced security measures.</li> <li>Advised affected individuals to monitor their account statements and notify their card issuer of any suspicious charges.</li> <li>Provided affected individuals with information to obtain free credit reports, apply credit freezes and obtain fraud alerts from credit reporting agencies.</li> <li>Notified the payment card brands of the incident.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on April 29, 2020.
<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.	<p>The Organization reported “As complete payment card details were targeted and obtained, there is a risk of payment card fraud.”</p> <p>In my view, a reasonable person would consider the financial information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss.</p>
<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.	<p>The Organization reported “As complete payment card details were targeted and obtained, there is a risk of payment card fraud. Based upon this risk, [the Organization] notified the individuals whose information could have been obtained during this incident.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party. It appears the information was exposed for approximately 1 month.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
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 financial information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss. The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party. It appears the information was exposed for approximately 1 month.

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 29, 2020. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner