



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Oklahoma Department of Securities (Organization)
<b>Decision number (file number)</b>	P2021-ND-092 (File #013310)
<b>Date notice received by OIPC</b>	May 17, 2019
<b>Date Organization last provided information</b>	May 17, 2019
<b>Date of decision</b>	March 30, 2021
<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 the 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 operates in the United States and is included in the definition of “organization” per 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>• name,</li><li>• Social Security number,</li><li>• date of birth,</li><li>• driver's license or state identification number,</li><li>• medical or health information, and</li><li>• financial account information.</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 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 or about December 11, 2018 the Organization received notice of a vulnerability in its firewall that made a server accessible.</li></ul>

	<ul style="list-style-type: none"> <li>On or about April 15, 2019, as the result of a thorough review of the potentially impacted contents of the server, the investigation confirmed the population of potentially impacted individuals.</li> </ul>
<b>Affected individuals</b>	The incident affected 13 individuals in Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Took immediate steps to close the vulnerability in the system and took the server offline.</li> <li>Investigated and retained third party investigators to confirm what information, if any, may have been accessible.</li> <li>Reported the incident to the FBI and cooperated with the FBI's investigation.</li> <li>Introduced steps to strengthen the security of systems.</li> <li>Providing potentially affected individuals access to twelve (12) months of credit monitoring and identity restoration services, as well as guidance on how to better protect against identity theft and fraud.</li> <li>Reported the incident to other state regulators, as required.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified in writing beginning May 9, 2019.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><b>Harm</b></p> <p>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 that it "...is providing potentially impacted individuals with guidance on how to better protect against identity theft and fraud".</p> <p>In my view, 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. Medical and health information could be used to cause the harms of hurt, humiliation and embarrassment. These are all significant harms.</p>
<p><b>Real Risk</b></p> <p>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 did not report its assessment of the likelihood that significant harm would result from the incident.</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as it appears it may have been the result of deliberate action, although this is not clear. The Organization did not report the exact cause of the incident, how long the information may have been exposed, or whether information was exfiltrated. It did report the incident to the FBI and is cooperating with the FBI's investigation. Given these circumstances, it appears there is a real risk of significant harm to affected individuals in this case.</p>

**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. Medical and health information could be used to cause the harms of hurt, humiliation and embarrassment. These are all significant harms.

The likelihood of harm is increased as it appears the incident may be the result of deliberate action, although this is not clear. The Organization did not report the exact cause of the incident, how long the information may have been exposed, or whether information was exfiltrated. It did report the incident to the FBI and is cooperating with the FBI's investigation. Given these circumstances, it appears there is a real risk of significant harm to affected individuals in this case.

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 affected individuals were notified in writing beginning May 9, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner