



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Penguin Random House Canada (Organization)
Decision number (file number)	P2021-ND-103 (File #013016)
Date notice received by OIPC	April 15, 2019
Date Organization last provided information	April 15, 2019
Date of decision	March 31, 2021
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 whose personal information was collected in Alberta, 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 following information:</p> <ul style="list-style-type: none">• full name,• address,• Social Insurance Number, and• income earned in 2018. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On March 1, 2019, the Organization learned of a mailing error that inadvertently sent the T5 slips of certain authors to the mailing address of other authors.

	<ul style="list-style-type: none"> • The mailing occurred early in the week of February 25, 2019. • The Organization has taken steps to recover the misdirected mail. One Alberta resident's slip was successfully retrieved, but had been opened by the unintended recipient. The Organization has attempted to make contact with the other authors, but has "not yet been able to arrange a pickup".
Affected individuals	The incident affected 3 individuals in Alberta.
Steps taken to reduce risk of harm to individuals	Implementing steps to help prevent a similar occurrence, including further verification checks in the mailing process and enhanced employee privacy training.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on March 4, 2019, and by letter on April 1-2, 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 did not specifically identify the type of harm(s) that might result from this incident but its notice to affected individuals said "...we suggest that you remain diligent, as always, with respect to protecting your identity by monitoring your financial account statements."</p> <p>In my view, a reasonable person would consider that the contact, tax and identity information at issue could be used to cause the harms of fraud and identity theft. These are significant harms.</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 did not provide its assessment of the likelihood of harm resulting from this incident but its notice to affected individuals said "While we do not have any evidence or reason to believe that your personal information has been or will be misused...".</p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting in this case is decreased because the incident resulted from human error, and not malicious intent. However, despite the Organization's efforts, the information has not been successfully recovered.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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, tax and identity information at issue could be used to cause the harms of fraud and identity theft. These are significant harms.</p>	

The likelihood of significant harm resulting in this case is decreased because the incident resulted from human error, and not malicious intent. However, despite the Organization's efforts, the information has not been successfully recovered.

The Organization is required 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 affected individuals were notified by email on March 4, 2019, and by letter on April 1-2, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner