



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Godiva Chocolatier of Canada Ltd. (Organization)
<b>Decision number (file number)</b>	P2016-ND-41 (File #P2920)
<b>Date notice received by OIPC</b>	November 27, 2014
<b>Date Organization last provided information</b>	November 25, 2015
<b>Date of decision</b>	August 16, 2016
<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 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 incorporated in Ontario, Canada and is an “organization” as defined in section 1(1)(i)(i) of PIPA.
<b>Section 1(1)(k) of PIPA “personal information”</b>	The incident involved all or some of the following information: <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• medical information,</li><li>• social insurance number.</li></ul> <p>This information is “personal information” as defined in section 1(1)(k) of PIPA, and was collected from residents of Alberta.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• A suitcase belonging to a human resources employee was stolen on October 16, 2014 from a rental vehicle in Texas.</li> <li>• The suitcase contained a laptop which was password protected but not encrypted.</li> <li>• An investigation determined the laptop may have contained the information at issue.</li> <li>• The Organization has not received any reports of misuse.</li> </ul>
<b>Affected individuals</b>	One Hundred and Twelve (112) residents of Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Immediately conducted an investigation to determine what information was contained on the laptop.</li> <li>• Notified law enforcement.</li> <li>• Conducted a comprehensive review of practices, policies and procedures and implementing enhanced security measures to prevent this from happening again.</li> <li>• Implementing whole disk encryption for laptops of employees who have authorized access to confidential information.</li> <li>• Notified all employees whose information may have been on the laptop and providing complimentary one-year membership to Experian's ProtectMyID Alert.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on November 26, 2014.
<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 did not specify any significant harms that might result from this incident, but its notification to affected individuals recommended they “remain aware of the possibility of fraud and identity theft.”</p> <p>In my view, the personal information involved in this case is sensitive as it includes contact, identity and health information. This information could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. In my view, these are significant harms.</p>

<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>	<p>The Organization reported that it “has no reason to believe that the thief knew the laptop was in the suitcase. The laptop was password-protected and [the Organization] has not received any reports of misuse. There is a low likelihood that harm could result from this incident given the circumstances and the data involved.”</p> <p>In my view, there is a real risk of significant harm resulting from this incident. The laptop was stolen, indicating malicious intent, and has not been recovered.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></p>	
<p>Based on the information provided by the Organization and given the circumstances of this incident, I have decided that there is a real risk of significant harm to the affected individuals. The personal information involved could be used to cause the significant harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. The laptop was stolen, indicating malicious intent, and has not been recovered.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the affected individuals by letter on November 25, 2014 in compliance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton  
Information and Privacy Commissioner