



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

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| Organization providing notice under section 34.1 of PIPA | Aramark Canada Ltd. (Organization) |
| Decision number (file number) | P2019-ND-006 (File #009230) |
| Date notice received by OIPC | July 18, 2018 |
| Date Organization last provided information | September 4, 2018 |
| Date of decision | January 3, 2019 |
| 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 operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA. |
| Section 1(1)(k) of PIPA “personal information” | <p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• first name,• work site,• hourly rate,• earnings 28 days prior, and• statutory pay calculation. <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 type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure | |
| Description of incident | <ul style="list-style-type: none">• On March 30, 2018, an employee of the Organization went through a supervisor’s desk (without permission) and found a wage rate sheet for fellow employees. |

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| | <ul style="list-style-type: none"> • The employee informed his supervisor during a telephone conversation later that day to say the wage rate sheet was on the desk. The supervisor asked the employee to put the document inside the desk. • Unbeknownst to the supervisor, the employee took a photo of the wage rate sheet and shared the information with six other employees at the site. • The breach was discovered on April 2, 2018, when the supervisor was speaking with employees at the site who mentioned that the employee was telling co-workers he knew their hourly rate and showed them a photo of the wage sheet he photographed. |
| Affected individuals | The incident affected 20 individuals. |
| Steps taken to reduce risk of harm to individuals | <ul style="list-style-type: none"> • Conducted an investigation. • Terminated the employee. • Trained the supervisor as to the need to safeguard all personal information, the importance of confidentiality of personal information, the need for physically secured computers that are password protected and locked when not in use. |
| Steps taken to notify individuals of the incident | Affected individuals were notified orally by their manager during the week of July 23, 2018, August 4 and 5, 2018. A few individuals will be notified by the end of September 2018 when they have a scheduled shift. |
| 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 that it is “not aware of any direct harm as a result of this breach. However, wage rate information should be private and confidential and the employees were likely uncomfortable with their personal wage rate information being known or shared with others without their consent.”</p> <p>In my view, a reasonable person would consider that the identity and salary information could be used to cause the significant harms of hurt, humiliation and embarrassment, particularly if shared with individuals who have a personal or professional relationship with the affected individuals.</p> |

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| <p>Real Risk</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 reported that it does “...not think the harm is significant as there is no evidence of direct harm or personal risk (for instance, fraud or theft) as a result of the breach.” Further, “It is not likely that harm could result from this breach. While there may be some upset feelings as of result of the breach, Aramark has no knowledge that employees whose wage rate information was seen suffered any harm.”</p> <p>While I agree with the Organization that it is unlikely the unintended recipients (who are known to the Organization) would use the information for fraudulent purposes, the information was in fact accessed and then disclosed in an unauthorized manner. It is not clear what the terminated employee’s intent was for taking the Organization’s wage list and sharing it amongst the employees. However, this use of the information, and the potential relationships, increases the likelihood of hurt, humiliation and embarrassment resulting from the incident.</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 identity and salary information could be used to cause the significant harms of hurt, humiliation and embarrassment, particularly if shared with individuals who have a personal or professional relationship with the affected individuals. While it is unlikely the unintended recipients (who are known to the Organization) would use the information for fraudulent purposes, the information was in fact accessed and then disclosed in an unauthorized manner. It is not clear what the terminated employee’s intent was for taking the Organization’s wage list and sharing it amongst the employees. However, this use of the information, and the potential relationships, increases the likelihood of hurt, humiliation and embarrassment resulting from the incident.</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 a manager within the Organization orally notified affected individuals during the week of July 23, 2018, August 4 and 5, 2018 and a few individuals will be notified by the end of September 2018. The Organization is not required to notify the affected individuals again.</p> | |

Jill Clayton
Information and Privacy Commissioner