

Breach Report to a Privacy Commissioner

Timothy M. Banks, Dentons Canada LLP

Date: [Date]

Breach Notification Report

Office of the Information and Privacy Commissioner of Alberta
Suite 2460, 801 6 Avenue South West
Calgary, Alberta T2P 3W2
Fax: (403) 297-2711



Dear [Name],

We are counsel to Company, Inc. ("Company"). Company is headquartered at [address] and has regional offices in other locations in Canada and the United States. Company provides [description of business].

On [date], Company detected an unauthorized intrusion into its web application server systems in Ireland. It appears that the intrusion was criminally motivated and involved the installation of malware on Company's systems. The intrusion [what happened and how it was discovered] on [date]. That group immediately investigated the notification, and restricted access to the intrusion point used by the perpetrator, and upgraded [what mitigation steps taken immediately]. The company reported this matter to [law enforcement agencies] on [date].

The intrusion has potentially exposed personal information of approximately [number] Canadian residents, of whom approximately [number] are Alberta residents (based on the billing addresses provided at the time of purchases through Company's services). The data that may have been exposed includes name, address, e-mail, phone number, user name, password, record of purchases and credit card numbers and expiration dates (if the consumer stored such credit card information in his or her account). This data was protected by encryption during transfer and at rest in Company's systems; however, we cannot rule out at this stage whether the intruder was able to access the encryption key and/or decrypt the files.

By copy of this letter, we are notifying the Office of the Privacy Commissioner of Canada and the Privacy Commissioners of other provinces so that they are prepared to respond to inquiries that may be made to their offices.

Company took immediate steps to begin mitigation efforts. On [date], Company notified its merchant banks and the credit card companies were thereafter notified either directly by Company or by the merchant banks. In addition, Company retained a computer forensics and cyber-security firm to assist it with forensic investigation and security-enhancement processes. Company also implemented security measures immediately following detection of the intrusion, and has since among other things, further restricted access privileges, reset key administrator-level passwords, and implemented a monitoring process, all of which are designed to prevent a continuation or recurrence of this incident.

[Set out position on whether test for individual notification has been met.] Company has commenced direct notification of potentially affected individuals in Canada. A copy of the notification is attached.

Company is writing to you and the other Privacy Commissioners without prejudice to its rights to make additional submissions to you with respect to any applicable compliance with Canadian privacy legislation as well as any jurisdictional issues. However, Company's number one priority at the moment is to mitigate the effects of this criminal intrusion.

Please do not hesitate to contact me if you have any questions.

Yours truly,
