



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Canadian Cancer Society
Decision number (file number)	P2013-ND-27 (File #P2363)
Date notice received by OIPC	June 28, 2013
Date Organization last provided information	June 28, 2013
Date of decision	August 7, 2013
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”	<p>The Organization is registered in Alberta as an extra-provincial non-profit corporation.</p> <p>Section 56(3) limits the application of PIPA to personal information collected, used or disclosed by a “non-profit organization” in connection with a commercial activity.</p> <p>However, although it operates on a not-for-profit basis, the Organization is not a “non-profit organization,” as defined by section 56(1)(b)(i) of PIPA.</p> <p>I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA and collected personal information in Alberta from Alberta residents.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved all or some of the following personal information about the affected individuals:</p> <ul style="list-style-type: none"> • Donor information for the years 2010-2011: <ul style="list-style-type: none"> ○ name, ○ address, ○ 41 personal cheques (that usually contain name, address, sometimes phone number, bank information and account number, signature), and ○ 5 expired credit card numbers. <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta from Alberta residents.</p>
<p>DESCRIPTION OF INCIDENT</p>	
<p><input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure</p>	
<p>Description of incident</p>	<ul style="list-style-type: none"> • On May 1, 2013, during the execution of a search warrant, the Calgary Police Service (CPS) discovered documents belonging to the Organization on the floor of a storage locker. The documents contained the personal information described above. • The CPS contacted the Organization on May 23, 2013. • Two suspects were charged with break and enter and theft in connection with other property found in the storage locker. • The Organization does not know how the suspects came into possession of the personal information. • It is likely the documents were stored at the Organization’s Calgary office. A storage room at this location was broken into on December 9, 2012.
<p>Affected individuals</p>	<p>46 Alberta donors.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Documents recovered from CPS. • Audit is being conducted to determine how information came into possession of unauthorized individuals. • Audit conducted on internal processes for documentation control and security. Change of process concerning converting hard copy information to encrypted electronic copies and removing financial information before storage.

Steps taken to notify individuals of the incident	None
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or injury – that could be caused to those 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 recognized the harm that may result from the incident includes identity theft and financial loss.</p> <p>In my view, the personal information involved is moderately to highly sensitive. It contains bank account information, including the signature of affected individuals, for 41 donors and 5 expired credit card numbers. The types of harm that could result from unauthorized access to the personal information in this instance are identity theft and fraud. In my view, these are significant harms.</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>The Organization reported that it did not consider the incident to be one of real risk of significant harm for the affected individuals for the following reasons:</p> <ul style="list-style-type: none"> ○ No complaints received by affected donors. ○ The documents did not appear to be targeted by the suspects. This is based on information received from the CPS based on other property and information found with the documents. ○ No evidence that the personal information was misused. Some of the bank accounts involved are still being used by some donors. ○ The personal information was recovered. <p>In my view, the likelihood of harm is increased because the personal information was lost under unknown circumstances. It was discovered in the possession of individuals with alleged criminal intent with respect to other property found along with the documents. I am not persuaded by the Organization that simply because they have not received complaints from donors that this decreases the real risk of significant harm as a result of this incident. In fact, if some donors have continued to use bank accounts that were involved in this incident, in my view, this increases the risk of harm for these individuals who do not know the information could have been compromised.</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. The personal information involves sensitive information, including personal cheques and expired credit card numbers. The information was lost under unknown circumstances and discovered during the course of a criminal investigation. These factors contributed significantly to my decision.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation) by August 23, 2013, and inform my Office in writing it has done so.

Jill Clayton
Information and Privacy Commissioner