



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Panther Sports Medicine & Rehabilitation Centres Inc. (Organization)
Decision number (file number)	P2013-ND-37 (File #P2439)
Date notice received by OIPC	August 27, 2013
Date Organization last provided information	October 18, 2013
Date of decision	November 25, 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 incorporated in Alberta.</p> <p>Due to the nature of the information involved in this incident, I considered whether or not Alberta’s <i>Health Information Act</i> (HIA) applied in this case. Under section 4(3)(f), PIPA does not apply to “health information” as defined in HIA to which that Act applies.</p> <p>Based on the information provided by the Organization, the Organization is not an “affiliate” or a “custodian” under the HIA with respect to the information involved with this incident. The Organization reported that the patient information concerned clients who came to the Organization for services as a result of private insurance coverage.</p> <p>I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i) of PIPA.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"> • name, • address, • date of birth, • diagnosis, assessment and treatment findings with respect to injuries associated with a motor vehicle accident. <p>This information is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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DESCRIPTION OF INCIDENT

loss
 unauthorized access
 unauthorized disclosure

<p>Description of incident</p>	<ul style="list-style-type: none"> • A laptop used by an Organization consultant containing the personal information was stolen from a vehicle in Calgary, Alberta. • The laptop was password protected. It was not encrypted. • The laptop has not been recovered.
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<p>Affected individuals</p>	<p>Approximately 200 patients who are Alberta residents.</p>
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<p>Steps taken to reduce risk of harm to individuals</p>	<p>The incident was reported to the Calgary Police Service.</p>
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<p>Steps taken to notify individuals of the incident</p>	<p>The Organization has not notified patients.</p>
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REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>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>	<p>The Organization assessed the risk of harm to affected individuals as low since they do not collect social insurance numbers or credit card or financial information.</p> <p>In my view, the personal information involved is of high sensitivity. It contains identity information, such as date of birth. It also includes medical information. The types of harm that could result from unauthorized access to the identity information, such as name, address and date of birth, in this instance are identity theft and fraud. Unauthorized access or disclosure to medical information may cause hurt or humiliation. In my view, these are significant harms.</p>
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<p>Real Risk The likelihood that the significant harm will result</p>	<p>The Organization recognized that the laptop was stolen and there is a possibility, even though the laptop is password protected, the thief could access the personal information.</p>
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<p>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>However, it submitted the real risk of harm was low given the type of personal information involved.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was stolen. Identity information, such as name, address and date of birth was involved. Date of birth in combination with a name is widely used as a unique identifier. It cannot be changed if compromised. The laptop was not encrypted. The sensitivity of the personal information together with the fact it was stolen and not recovered are significant factors in my decision that there is a real risk of significant harm to the patients involved in 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. The personal information involves sensitive identity information, such as date of birth and medical information. The information has been stolen and not recovered. The laptop was not encrypted. These factors contributed significantly to my decision.</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) and notify me in writing it has done so and on or before December 13, 2013.</p>	

Jill Clayton
Information and Privacy Commissioner