



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Richmond Child Care Association (Organization)
Decision number (file number)	P2014-ND-03 (File #P2497)
Date notice received by OIPC	October 29, 2013
Date Organization last provided information	November 8, 2013
Date of decision	July 14, 2014
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 under the Alberta Societies Act.</p> <p>PIPA does not apply to an Organization meeting the definition of a “non-profit organization” under section 56(1)(b) of PIPA, except in respect of personal information collected, used or disclosed in connection with any commercial activity.</p> <p>Pursuant to section 56(1)(a) of PIPA, a “commercial activity” is any transaction, act, conduct, or regular course of conduct that is of a commercial character.</p> <p>In my opinion, the delivery of child care for a cost is a commercial activity. Therefore, PIPA applies in this matter.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The following information is at issue:</p> <ul style="list-style-type: none">• name,• birthdate,• home address,

	<ul style="list-style-type: none"> • phone numbers, • parents’ names and work addresses, and • family emergency contacts and phone numbers <p>One Epi-pen was also involved in this incident. A child’s name was on the pen.</p> <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.</p>
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DESCRIPTION OF INCIDENT

<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure
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Description of incident	<ul style="list-style-type: none"> • On October 24, 2013, an emergency backpack kit containing the information at issue was left outside the Organization’s premises overnight. • The backpack was discovered to be missing the following day when staff members were preparing for a fire drill. A search for the backpack was conducted but it has not been recovered.
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Affected individuals	24 affected families.
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Steps taken to reduce risk of harm to individuals	The Organization developed a new policy to designate responsibility for the backpacks when they are taken outside of the Organization’s premises.
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Steps taken to notify individuals of the incident	Notification occurred verbally and via email on October 29, 2013.
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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 affected individuals may be at risk for identity theft because the information has not been recovered.</p> <p>In my view, the personal information involved is of moderate sensitivity. It includes names, contact information and date of birth which could be used to cause identity theft and fraud. These are significant harms.</p>
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Real Risk The likelihood that the significant harm will result	The Organization reported the information has not been recovered.
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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>In my view, the likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered. Further some of the affected individuals are children, who are members of a vulnerable population.</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 identity information of moderate sensitivity, including date of birth, and some of the affected individuals are members of a vulnerable population. The personal information was lost and has not been recovered. 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).</p> <p>I understand the Organization notified the affected individuals verbally and via email sent October 29, 2013. As the notification was in accordance with the Regulation, the Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner