



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	King Edward Child Care Society (Organization)
Decision number (file number)	P2014-ND-17 (File #P2688)
Date notice received by OIPC	May 29, 2014
Date Organization last provided information	May 29, 2014
Date of decision	November 10, 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 Alberta’s <i>Societies Act</i> and qualifies as a “non-profit organization” for purposes of PIPA.</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>Section 56(1)(a) of PIPA defines “commercial activity” to include any transaction, act, conduct, or regular course of conduct that is of a commercial character.</p> <p>In this case, the Organization delivers child care for a fee. In my opinion, this activity qualifies as a commercial activity and therefore I have jurisdiction in this matter.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name of child,• birthdate,

	<ul style="list-style-type: none"> • home address, • phone numbers, • parent’s names and work addresses, • family emergency contacts and phone numbers, and • immunization, allergy and medication information and physician information of the children <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • The Organization’s emergency backpack kit was left outside at a school playground. • The loss was discovered the following day when staff members were preparing for a fire drill. A search for the missing backpack was conducted but it was not located.
Affected individuals	<ul style="list-style-type: none"> • 200 affected individuals, including 39 children
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.
Steps taken to notify individuals of the incident	Notification occurred via letter on May 28, 2014. Notification met the requirements set out in the Regulation.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or injury that could be caused to the 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.</p> <p>In my view, the personal information involved could be used for identity theft purposes. Further, sensitive medical information could be used to cause harm in the form of embarrassment, hurt or humiliation. A number of the affected individuals are children, a vulnerable population.</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	<p>The Organization reported the information was lost and has not been recovered and this increased the risk of 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.</p>

effect relationship between the incident and the possible harm.	
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 39 affected children. The personal information involved could be used for identity theft purposes. Further, sensitive medical information could be used to cause harm in the form of embarrassment, hurt or humiliation. The information has been lost and has not been recovered, increasing the risk of harm. 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 sent notification letters on May 28, 2014, which were in accordance with the Regulation.</p>	

Jill Clayton
Information and Privacy Commissioner