



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	City West Childcare and Community Support Society (Organization)
Decision number (file number)	P2015-ND-51 (File #000769)
Date notice received by OIPC	May 1, 2015
Date Organization last provided information	August 13, 2015
Date of decision	August 19, 2015
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,• child’s date of birth,

	<ul style="list-style-type: none"> • name, address, home and cellular telephone number, email address, name of employer, occupation and work telephone number of parent, • medical/health information of child, including Alberta Health Care number, physician name, allergies/diet restrictions, medical conditions, immunization history, • name, address and home and cellular telephone number of emergency contact person, • name of individual(s) authorized to pick-up child, and individual(s) not authorized to pick-up child. <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

loss
 unauthorized access
 unauthorized disclosure

Description of incident	<ul style="list-style-type: none"> • On April 28, 2015, an employee of the Organization noticed that “children’s portable records”, which included the information at issue, were missing. • The Organization believes the records were lost inside its secured playground area. • The records have not been recovered.
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Affected individuals	The total number of affected individuals is 36, including 12 children and their legal guardians.
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Steps taken to reduce risk of harm to individuals	Additional measures to secure portable records have been implemented.
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Steps taken to notify individuals of the incident	Notification was provided to families of the 12 children via email sent on April 28, 2015.
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REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>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>	<p>The Organization reported that while some of the information would not be considered sensitive, the combination of information could be used to cause the harm of identity theft. The Organization believes that the combination of date of birth, as well as Alberta Health Care number, makes the information highly sensitive and any harm would be significant.</p> <p>I agree with the Organization. The combination of personal information elements, including identity information, makes the information sensitive. This information could be used to cause the harm of identity theft. The medical/health information could</p>
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	<p>be used to cause the harms of embarrassment, hurt and humiliation. In addition, information about individuals authorized/not authorized to pick-up the children could be used to put children at risk.</p> <p>In my view, these are all significant harms.</p>
<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>	<p>The Organization reported the likelihood that harm could result may be high due to the type of information involved, the vulnerable population, and considering the information could be used for criminal purposes, such as identity theft.</p> <p>I agree with the Organization. Although the Organization reported that it is likely the information was lost within a secure area, with access limited to 6 staff and 30 parents, the fact the information has not been recovered increases the likelihood of harm resulting from this incident.</p>
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 in this case. The combination of personal information elements involved, including identity information, makes the information sensitive. This information could be used to cause the harm of identity theft. The medical/health information could be used to cause the harms of embarrassment, hurt and humiliation. In addition, information about individuals authorized/not authorized to pick-up the children could be used to put children at risk. These are all significant harms. In addition, the fact the information was lost and has not been recovered increases the likelihood of harm resulting from this incident.</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 affected individuals on April 28, 2015. The Organization is not required to notify affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner