



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Alberta College and Association of Chiropractors (Organization)
Decision number (file number)	P2015-ND-60 (File #P2759)
Date notice received by OIPC	May 27, 2014
Date Organization last provided information	August 31, 2015
Date of decision	October 20, 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”	The Organization is registered as an Alberta corporation. I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The following information was involved in this incident: <ul style="list-style-type: none">• patient name,• address,• date of birth,• Alberta Health Care Insurance Plan Number,• patient health information. This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.
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"> • On May 25, 2014, four patient records were photocopied at an office of a chiropractor as part of an investigation by the Organization. • On May 26, 2014, the Organization’s investigator noticed the records were missing. • The investigator immediately called the chiropractor’s office to ask if the records had been left there. • The office could not locate or confirm where the records were but stated the cleaning staff had been in the previous evening. • The investigator reported the incident to the Organization. • To date, no information has been received regarding the recovery of the lost patient records, nor has there been any evidence of misuse.
Affected individuals	4 individuals were affected by the incident.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • The clinic was contacted to ascertain whether the files were on site. A thorough search took place. • Copies of the patient records were reviewed to ascertain the risk of harm. • Individuals were notified of the breach.
Steps taken to notify individuals of the incident	<ul style="list-style-type: none"> • The Organization’s investigator notified the affected individuals via telephone beginning May 26, 2014. • The chiropractor also notified the affected individuals by phone.

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 investigator reviewed copies of the affected patient’s records and determined none of the health information appeared to be sensitive or potentially embarrassing in nature. However, the investigator concluded the information could possibly be used to cause the harms of identity theft or fraud (fraudulent use of health care numbers).</p> <p>In my view, the personal information involved is highly sensitive as it includes name, address, date of birth, Alberta Health Care Insurance Plan Number and patient health information.</p> <p>This information could be used to cause the harms of identity theft and fraud. Further, health information is inherently sensitive and its exposure may lead to hurt and humiliation for the affected individuals. In my view, these are significant harms.</p>
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<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 risk of harm to be low as the investigator believed the records had been left on a chair in the clinic and there was no certainty that anyone had obtained access to the patient records.</p> <p>Despite this, I believe there is a real risk of harm resulting from this incident. The personal information has been lost and has not been recovered.</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 involved includes sensitive identity and health information and, although the investigator believes the information was likely left on the clinic site and no misuse has occurred to date, he cannot with any certainty say where the records are. The risk of harm is increased because the personal information has not been recovered.</p> <p>I require the Organization to notify the affected individuals in Alberta 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 in May, 2014, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner