



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Homestead Housing Co-operative Ltd. (Organization)
Decision number (file number)	P2015-ND-70 (File # 000199)
Date notice received by OIPC	January 19, 2015
Date Organization last provided information	April 7, 2015
Date of decision	November 2, 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 a Provincial Corporation. I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(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">• name,• financial details, including amounts owed to the Organization and efforts to resolve the matter. <p>This information is about identifiable individuals and qualifies as “personal information” as defined in section 1(1)(k) of PIPA.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On January 15, 2015, the Organization received a letter from two members complaining that their personal information, which had been discussed in a confidential, in-camera Board of Directors meeting, was disclosed to an unauthorized recipient (another member).

	<ul style="list-style-type: none"> The Organization reviewed the matter and found that a Director disclosed the information in breach of a written Confidentiality Agreement. The Director was removed from the Board.
Affected individuals	Two (2) Albertans were affected by this incident.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Directors sign an Ethical Code of Conduct and Confidentiality Agreement when elected to the Board. The Director who made the unauthorized disclosure was found to be in breach of the Confidentiality Agreement and was removed from the board. Educational sessions on privacy were provided.
Steps taken to notify individuals of the incident	The Organization provided the affected individuals with a copy of its report of the incident submitted to the Information and Privacy Commissioner.

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 the information at issue could result in “loss of confidence in the Board of Directors” and “humiliation to members and their family having their personal financial information known to other members”.</p> <p>I note that in a previous OIPC Order (P2009-003), the adjudicator stated that “Section 25 of the <i>Condominium Property Act</i> (CPA) means all owners of units form a single entity known as a condominium corporation. Essentially the condominium corporation is all the owners of units in the condominium plan acting jointly as one legal person”. Further the adjudicator stated “section 44(i) of the CPA requires a condominium corporation to keep minutes of meetings and to provide them to owners, purchasers and mortgagees on request”.</p> <p>Had the information at issue been discussed as part of an annual general meeting or a regular Board meeting, it would likely have been recorded in minutes that would have been available to the Organization’s members upon request. In such a case, it would be difficult to find that the information could be used to cause “significant harm” in that the information would have been disclosed in any event.</p> <p>In this particular case, however, the Organization reported that the information at issue was discussed in a confidential, “in-camera” meeting of the Board of Directors. This suggests that the information was not intended to be more broadly disclosed to the Organization’s members in minutes, or at least not in detail.</p>
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	<p>Given the above, I agree with the Organization’s assessment of harm. The personal information involved includes details of outstanding debts owed to the Organization and efforts to resolve the matter. The types of harm that could result from the unauthorized disclosure of this information are hurt, humiliation and reputational harm. These are 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 did not specifically provide an assessment of the likelihood of harm resulting from this incident. However, it reported that the individuals affected by the unauthorized disclosure brought the matter to the Organization’s attention in a written letter of complaint. The letter noted the complainants became aware of the unauthorized disclosure through a passing conversation with another member who was aware of the information. The complainants stated they “deeply resent anyone spreading rumors”.</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 details of outstanding debts owed to the Organization and efforts to resolve the matter. The information was discussed at a confidential, “in-camera” meeting of the Board of Directors, which suggests that the information was not intended to be more broadly disclosed to the Organization’s members in minutes, or at least not in detail. The information could be used to cause the significant harms of hurt, humiliation and reputational harm. The information did cause harm as the affected individuals learned of the unauthorized disclosure of their information as a result of a passing conversation with another member.</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 provided the affected individuals with a copy of its report of the incident submitted to the Information and Privacy Commissioner, which meets the requirements of section 19.1 of the Regulation. The Organization is, therefore, not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner