



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Gorman and Koski LLP (Organization)
<b>Decision number (file number)</b>	P2016-ND-23 (File #000365)
<b>Date notice received by OIPC</b>	February 27, 2015
<b>Date Organization last provided information</b>	September 15, 2015
<b>Date of decision</b>	May 30, 2016
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.
<b>Section 1(1)(k) of PIPA “personal information”</b>	The incident involved the following information:  <u>Current clients (3,400)</u> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• telephone number,</li><li>• email address,</li><li>• invoice and payment records,</li><li>• client correspondence,</li><li>• files notes,</li><li>• copies of drivers licence or Alberta identification card of 469 Albertans (183 remain current),</li><li>• estate planning documents for 2600 Albertans.</li></ul>

	<p><u>Represented Adults (100)</u></p> <ul style="list-style-type: none"> <li>• capacity assessment reports,</li> <li>• medical reports,</li> <li>• income,</li> <li>• assets and liability information,</li> <li>• expenses.</li> </ul> <p><u>Deceased Persons (650)</u></p> <ul style="list-style-type: none"> <li>• name,</li> <li>• date of death,</li> <li>• tax returns,</li> <li>• Social Insurance Number of spouse of the deceased,</li> <li>• asset and liability information.</li> </ul> <p><u>Past and Present Staff Members (30)</u></p> <ul style="list-style-type: none"> <li>• name,</li> <li>• Social Insurance Number,</li> <li>• address,</li> <li>• telephone number.</li> </ul> <p>In addition, credit card information for 15 individuals is at issue (9 were current and 6 had expired).</p> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
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**DESCRIPTION OF INCIDENT**

loss                     
 unauthorized access                     
 unauthorized disclosure

<b>Description of incident</b>	A computer hard drive was stolen from a staff member’s home. The hard drive contained back-up data for the Organization’s computer system.
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<b>Affected individuals</b>	The incident affected 3,400 Albertans.
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<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• All back-up drives are now encrypted.</li> <li>• Passwords for the Organization’s computer system have been strengthened and changed.</li> <li>• A full review of the Organization’s personal information collection is under way.</li> <li>• Police have been notified of the theft.</li> </ul>
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<b>Steps taken to notify individuals of the incident</b>	<ul style="list-style-type: none"> <li>• Individuals were notified by letter sent February 2015 with the exception of the deceased individuals.</li> <li>• Notification was in accordance with the regulations.</li> </ul>
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**REAL RISK OF SIGNIFICANT HARM ANALYSIS**

<p><b>Harm</b> Some damage or detriment or injury that could be caused to 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 recognized the affected individuals may be at a varying risk of harm depending on the information contained on the hard drive. However, it noted that some clients may be at risk of fraud, identity theft or reputational damage depending on the affected individual’s relationship with the Organization.</p> <p>In my view, the personal information involved is highly sensitive. Identity information (Social Insurance Numbers, drivers’ licenses and Alberta Identification Cards) is at issue for current clients, spouses of deceased persons, and current and former staff members. The financial information of other individuals is also at issue. This information could be used to cause the significant harms of identity theft and fraud.</p> <p>Sensitive medical information is at issue for represented adults. This information could be used to cause the significant harms of hurt, humiliation and embarrassment.</p>
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<p><b>Real Risk</b> 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 that due to the sensitivity of the personal information involved, it considered there to be a real risk of significant harm to some of the affected individuals.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was stolen, indicating deliberate, malicious intent, and it has not been recovered. In some cases the information is that of represented adults, who may be particularly vulnerable to potential harm.</p>
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**DECISION UNDER SECTION 37.1(1) OF PIPA**

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 is highly sensitive. Identity information (Social Insurance Numbers, drivers licenses and Alberta Identification Cards) is at issue for current clients, spouses of deceased persons, and current and former staff members. The financial information of other individuals is also at issue. This information could be used to cause the significant harms of identity theft and fraud.

Sensitive medical information is at issue for represented adults. This information could be used to cause the significant harms of hurt, humiliation and embarrassment.

The likelihood of harm resulting from this incident is increased because the personal information was stolen, indicating deliberate, malicious intent, and it has not been recovered. In some cases the information is that of represented adults, who may be particularly vulnerable to potential harm.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals by letter, in accordance with the Regulation. The Organization is therefore not required to notify those individuals again.

Jill Clayton  
Information and Privacy Commissioner