



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Real Estate Council of Alberta (Organization)
Decision number (file number)	P2016-ND-69 (File #004348)
Date notice received by OIPC	November 23, 2016
Date Organization last provided information	December 6, 2016
Date of decision	December 23, 2016
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the 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 incorporated in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved the following information: <ul style="list-style-type: none">• name,• gender,• date of birth,• credit balance,• email address,• telephone number,• residential address,• mailing address,• education information: history, current courses, pass/fail status,• licensing information: license status and class, registered brokerage, registration certificate, authorizations, license history,• brokerage information: brokerage payment history (individuals who have made payments to the brokerage); industry professional applications to brokerage; brokerage structure information (shareholders and percentages); name, date of birth, address, phone number, email, license terms, stop codes (if any), license certificates – of associates, brokers registered with the brokerage

	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.
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	On November 11, 2016, during a system upgrade, a technical error occurred that allowed individual real estate professional licensees logged into the online licensing system to view not only their own personal information, but also the personal information of other real estate professional licensees who were logged into the system at the same time.
Affected individuals	There are 163 potentially affected individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Upon discovery of the incident, immediately shut down the system preventing any further access. • Implemented temporary fix. • Modifying IT procedures concerning system maintenance and upgrades to ensure sufficient preparation, checks, and balances are in place to help prevent similar incidents from occurring in the future. • Considering additional privacy training for IT personnel regarding procedures for responding and reporting incidents involving personal information.
Steps taken to notify individuals of the incident	Affected individuals were notified via email on December 5, 2016.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm 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>The Organization reported “Possible harms include identity theft, fraud, risk of physical harm (harassment), and damage to reputation or humiliation. Other harms include the risk of phishing.” The Organization also noted that “Pending applications to the brokerage (if any), would indicate whether a[n] industry professional had a criminal record. This could result in embarrassment or humiliation.”</p> <p>I agree with the Organization’s assessment. The combination of identity, contact, education and professional information could be used to cause the harms of identity theft and fraud, humiliation and embarrassment. Email addresses could be used for phishing purposes. These are significant harms.</p>

<p>Real Risk</p> <p>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 a number of factors reduce the likelihood of harm resulting from this incident, including that:</p> <ul style="list-style-type: none"> • The incident resulted from human and system error, not malicious intent. • Only actively logged-in users could view the information, limiting exposure. The incident occurred on a statutory holiday, further limiting the number of individuals accessing the system. • Only other industry professionals and learners would have been able to view the information. • There is reason to believe some users may have accessed test accounts. • Users could not download the information. <p>The Organization also noted that factors increasing the risk of harm include that the combination of information could be used to cause significant harm and the Organization is “unable to determine who viewed what information”.</p> <p>I generally agree with the Organization’s identification of factors that affect the likelihood of harm resulting from this incident. While some factors reduce the likelihood of harm (no malicious intent, no ability to print), on balance, I believe there is a real risk of significant harm in this case. In particular, the likelihood of harm is increased due to the length of time the personal information was exposed (over 12 hours), the number of individuals with potential access (the Organization reported that 151 users logged in during the relevant time), the possible personal/professional connection between affected individuals and viewers of the information, and because the Organization is unable to confirm whether other individuals accessed the personal information.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<p>Given the information reported by the Organization, I have concluded that there is no real risk of harm to the affected individuals in this case.</p> <p>The combination of identity, contact, education and professional information could be used to cause the harms of identity theft and fraud, humiliation and embarrassment. Email addresses could be used for phishing purposes. These are significant harms.</p>	

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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 the affected individuals via email sent December 5, 2016 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner