



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Duck Inn Daycare and Out of School Care (Organization)
<b>Decision number (file number)</b>	P2017-ND-14 (File #001244)
<b>Date notice received by OIPC</b>	July 23, 2015
<b>Date Organization last provided information</b>	July 23, 2015
<b>Date of decision</b>	January 9, 2017
<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>	<p>The Organization is incorporated under the Alberta <i>Societies Act</i>.</p> <p>PIPA does not apply to an Organization meeting the definition of a “non-profit organization” under section 56(1)(b) of PIPA, except in respect of personal information collected, used or disclosed in connection with any commercial activity.</p> <p>Pursuant to section 56(1)(a) of PIPA, a “commercial activity” is any transaction, act, conduct, or regular course of conduct that is of a commercial character.</p> <p>In my opinion, the delivery of child care for a cost is a commercial activity. Therefore, PIPA applies in this matter.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The following information is at issue:</p> <ul style="list-style-type: none"><li>• names of staff, clients, and family members (of clients),</li><li>• contact numbers,</li><li>• Personal Health Number,</li><li>• date of birth, and</li><li>• health information (allergies and medical conditions).</li></ul>

	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.
<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"> <li>On July 13, 2015, the Organization’s emergency back pack was lost or stolen at an outside event.</li> <li>The back pack contained a binder with the personal information at issue.</li> <li>A search for the binder was conducted, but was not successful.</li> </ul>
<b>Affected individuals</b>	There are 36 affected individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	Notified law enforcement and the Information and Privacy Office, Alberta Human Services
<b>Steps taken to notify individuals of the incident</b>	Notification occurred via email on July 20, 2015.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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.	The Organization reported the information could potentially be used to cause the harm of identity theft and said that “All staff and clients were notified in writing of the incident and provided with information about identity theft.”  In my view, the information at issue includes sensitive identity, contact and health information that could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. These are significant harms.
<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.	In its report of the incident, the Organization did not specifically assess the likelihood of harm resulting from this incident.  In my view, the likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered. Further, some of the affected individuals are children, who are members of a vulnerable population.

**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 information at issue includes sensitive identity, contact and health information that could be used to cause the harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. These are significant harms. The likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered. Further some of the affected individuals are children, who are members of a vulnerable population.

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 on July 20, 2015. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner