



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College of Physicians and Surgeons of Alberta (Organization)
Decision number (file number)	P2017-ND-43 (File #003551)
Date notice received by OIPC	August 17, 2016
Date Organization last provided information	August 30, 2016
Date of decision	March 6, 2017
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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 a professional regulatory organization as defined in section 1(1)(k.2) of PIPA that is operating in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The following information was involved in this incident:</p> <ul style="list-style-type: none">• name,• address,• telephone number,• Personal Health Number (PHN),• date of birth, and• medical information (details of physician/patient visits, symptoms, assessments, diagnosis, medications, personal history). <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
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 July 29, 2016, the Organization’s Practice Visitor realized a CD storing patient information was missing. • The CD had been provided to the Practice Visitor by the affected individual’s physician as part of a quality assurance practice visit. The CD was used in three locations on July 27 and 28, 2016, including the physician’s office, the Practice Visitor’s vehicle (used to transport the CD), and the Practice Visitor’s office. • Despite extensive searches, the missing CD has not been recovered. It was not encrypted, nor was the information password protected.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Reviewed competence program procedures for handling patient records. • Discontinued practice of releasing patient information on CD for practice visits. • Provided information to physicians on proper preparation of records for practice visits. • Using secure sharepoint site for sharing patient information with practice visitors. • Reported the incident to the affected individual’s physicians.
Steps taken to notify individuals of the incident	The affected individual was notified by letter August 22, 2016.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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.	The Organization reported the information at issue could be used to cause “Humiliation”, as well as “Fraud, possible identity theft/criminal activity.” I agree with the Organization’s assessment. The identity information could be used to cause the harms of identity theft and fraud. The medical information could be used to cause hurt, humiliation and embarrassment. These are significant harms.
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.	The Organization reported “We believe there is a strong likelihood harm could result.” Further, “We have no way of knowing where the CD is, who may have found it, or what he/she might do with the found information. The CD was not encrypted, the information could be accessed by anyone who has possession of it... The information remains exposed and although there is no evidence of malicious intent, the information could be used for criminal purposes.” I agree with the Organization. Although the incident was not the result of malicious intent, but rather human error, the CD was not encrypted and has not been recovered.

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 individual. The identity information could be used to cause the harms of identity theft and fraud. The medical information could be used to cause hurt, humiliation and embarrassment. These are significant harms. Although the incident was not the result of malicious intent, but rather human error, the CD was not encrypted and has not been recovered.

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

I understand the Organization notified the affected individual by letter August 22, 2016. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner