



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Progressive Academy Education Society (Organization)
Decision number (file number)	P2017-ND-92 (File #002046)
Date notice received by OIPC	December 21, 2015
Date Organization last provided information	April 12, 2017
Date of decision	July 13, 2017
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 an independent private school and qualifies as an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name of student,• date of birth,• Alberta Health Care number,• address,• name of student’s physician and telephone number,• medical information (such as allergies, medications, immunization, and medical concerns),• name of parent, telephone number, address, email address, and• name of emergency contact, address and telephone number. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</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 December 15, 2015, the Organization’s premises were broken into. • The incident was discovered the next day, December 16, 2015. • A binder with emergency contact information and two computers were stolen, along with assorted other items. • The computers did not have any personal information stored on them. • The binder has not been recovered.
Affected individuals	There are approximately 300 individuals affected by this incident.
Steps taken to reduce risk of harm to individuals	Reported the incident to Alberta Health and the Edmonton Police Service.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on December 17 and December 18, 2015.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<p>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>	<p>The Organization reported that the information at issue is “not very sensitive” and “From conversation with Alberta Health and the police there is little chance of harm resulting from the theft and the emergency contact info.”.</p> <p>I disagree with the Organization’s assessment. In my view, the contact, identity, and medical information at issue could be used to cause the harms of hurt, humiliation, embarrassment, identity theft and fraud. Email addresses could be used for phishing purposes. 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 reported it is “not likely harm will result” and that “police and Alberta Health have advised that the crime did not appear to have intent to steal personal information.” However, the Organization also noted that “the AHC card numbers are for minors”.</p> <p>I disagree with the Organization’s assessment. In my view, the likelihood of harm resulting from this incident is increased because the incident resulted from deliberate action (theft), indicating malicious intent. The binder with the personal information has not been recovered and some of the information concerns a vulnerable population. Although the Organization does not believe the information was the target of the theft, it is impossible to know this for sure.</p>

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 contact, identity, and medical information at issue could be used to cause the harms of hurt, humiliation, embarrassment, identity theft and fraud. Email addresses could be used for phishing purposes. These are significant harms. The likelihood of harm resulting from this incident is increased because the incident resulted from deliberate action (theft), indicating malicious intent. The binder with the personal information has not been recovered and some of the information concerns a vulnerable population. Although the Organization does not believe the information was the target of the theft, it is impossible to know this for sure.

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 by email on December 17 and December 18, 2015 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner