



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

<b>Organization providing notice under section 34.1 of PIPA</b>	College of Licensed Practical Nurses of Alberta (Organization)
<b>Decision number (file number)</b>	P2017-ND-116 (File #005827)
<b>Date notice received by OIPC</b>	June 12, 2017
<b>Date Organization last provided information</b>	June 12, 2017
<b>Date of decision</b>	August 8, 2017
<b>Summary of decision</b>	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).
<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>	<p>The following information was involved in this incident:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• registration number,</li><li>• place of employment,</li><li>• allegations of misconduct, admission of misconduct, findings of investigation and remedial course work.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On June 7, 2017 an employee of the Organization emailed a letter containing the personal information at issue to the wrong person.</li></ul>

	<ul style="list-style-type: none"> <li>• The unintended recipient of the email contacted the Organization that same day to report the error.</li> <li>• The unintended recipient agreed to delete the file, empty the recycle bin, and not discuss the contents of the letter.</li> <li>• The letter was not encrypted or password protected.</li> </ul>
<b>Affected individuals</b>	The incident affected one (1) individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Verbally confirmed the unintended recipient deleted the original email and emptied recycle bin.</li> <li>• Asked unintended recipient not to discuss contents of letter.</li> <li>• Reviewed process to ensure contents of letter are reviewed before sending by email.</li> <li>• Considering a service to enhance security when decisions are being emailed out.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The Organization notified the affected individual by telephone on June 8, 2017.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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 reported that “There is potential harm that may result, humiliation, damage to reputation due to one LPN knowing the decision that was made about another person’s conduct.”</p> <p>I agree with the Organization. The employment information at issue could be used to cause the harms of hurt, humiliation, and embarrassment, as well as reputational damage. These are significant harms.</p>
<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 “... there is nothing to prevent [the unintended recipient] from discussing the contents, even though she has been asked to not discuss the contents. Our hope is that she keeps the contents confidential, there is nothing to gain by telling others ...”.</p> <p>In my view, there is a real risk of harm resulting in this case. Although the incident did not result from malicious intent (but rather human error), and the unintended recipient agreed to delete the information and not discuss it, both the unintended recipient and the affected individual are part of the same professional community which increases the risk of hurt, humiliation, embarrassment and reputational damage resulting in this case.</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 individual.

The employment information at issue could be used to cause the harms of hurt, humiliation, and embarrassment, as well as reputational damage. These are significant harms. Although the incident did not result from malicious intent (but rather human error), and the unintended recipient agreed to delete the information and not discuss it, both the unintended recipient and the affected individual are part of the same professional community which increases the risk of hurt, humiliation, embarrassment and reputational damage resulting in this case.

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

The Organization notified the affected individual by telephone on June 8, 2017. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner