



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Spectrum Psychological Inc. (Organization)
Decision number (file number)	P2017-ND-120 (File #003627)
Date notice received by OIPC	August 30, 2016
Date Organization last provided information	April 6, 2017
Date of decision	August 11, 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 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 an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The Organization initially reported the following information was involved in this incident:</p> <ul style="list-style-type: none">• name,• address,• telephone number, and• clinical notes• regarding clients' psychological concerns and their progress. <p>On April 6, 2017, the Organization provided additional information as follows: “The information was limited to name, phone number and address ...”.</p> <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	

<p>Description of incident</p>	<ul style="list-style-type: none"> • The Organization (a psychologist) reported that for many years, he sent documents related to his practice to his wife to be printed. His wife was employed with a group of construction companies. • The psychologist, his wife, and the CEO of the construction company believed “that the email was secure and that no one else besides my wife... had access to the information...”. • Following the CEO’s departure, the wife “was downsized from her employment without cause.” • As a result, three (3) new shareholders of the company “managed to access the documents that I used to send my wife and are now holding them for ransom in an attempt to deny her her severance, and extort from her her shares in the company.” • The Organization reported that these events occurred in July 2016 and the incident was discovered when the psychologist received a letter from the wife's previous employer “stating they are holding my documents and intend to release them if my wife does not give up her severance and her shares in the company.” • The Organization reportedly recovered the records in March 2017.
<p>Affected individuals</p>	<p>The Organization initially reported 17 affected individuals; however, later clarified that the incident affected three (3) individuals.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Ended transmission of documents to the email account. • Retained legal counsel to recover the information. • Reviewing information related to storage of records on laptop computers and the code of ethics and responsibilities of the relevant professional accrediting body. • Reported incident to the College of Alberta Psychologists.
<p>Steps taken to notify individuals of the incident</p>	<p>A letter was sent to the original 17 individuals who were potentially affected on February 2, 2017. A follow-up letter was sent to the three confirmed affected individuals on March 14, 2017.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 “What is likely to result is discomfort and possibly humiliation for at least some of my clients who may not want it known that they are seeing a psychologist for mental health issues.”</p> <p>I agree with the Organization. Contact and health information (the fact individuals were receiving psychological counselling) could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation or relationships. 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 “The information has not been recovered as of yet and I do not as yet know how many individuals are affected, since the individuals who are holding my data have not informed me of this. Given what the individuals who have the information have stated there is clearly evidence of malicious intent. There are no vulnerable individuals involved, since I do not deal with minors or the elderly.”</p> <p>I agree with the Organization. The incident resulted from malicious intent and the information itself was held for ransom. Although the Organization eventually recovered the information, it was out of the Organization’s control for a significant period of time (at least 7 months). The Organization did not provide any information to suggest that any undertaking was entered into, nor any confirmation provided, that the information was not viewed or further distributed during this time.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<p>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.</p> <p>Contact and health information (the fact individuals were receiving psychological counselling) could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation or relationships. These are significant harms. The incident resulted from malicious intent and the information itself was held for ransom. Although the Organization eventually recovered the information, it was out of the Organization’s control for a significant period of time (at least 7 months). The Organization did not provide any information to suggest that any undertaking was entered into, nor any confirmation provided, that the information was not viewed or further distributed during this time.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization sent a letter to the original 17 individuals who were potentially affected, on February 2, 2017. A follow-up letter was sent to the three confirmed affected individuals on March 14, 2017. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner