



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	2037206 Alberta Ltd. D/B/A Simply For Life (Organization)
Decision number (file number)	P2017-ND-122 (File #006222)
Date notice received by OIPC	August 10, 2017
Date Organization last provided information	August 15, 2017
Date of decision	August 23, 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 56 of PIPA “non-profit organization”	The Organization is incorporated in Alberta and is an “organization” as defined in section 1(1)(i)(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,• log sheet recording month/day and weight, and• list of recipes provided in a meal plan. <p>The information above is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• At approximately 5:00 pm on August 2, 2017, the Organization discarded 171 client files in a locked dumpster.• The file folders had a client name on the tab only. On the inside was a weigh-in sheet that recorded month/day and weight, as well as a sheet listing recipes provided in a meal plan.

	<ul style="list-style-type: none"> • Both sheets had the Organization’s logo on them, although the logo did not appear on the file folder itself. • The Organization also disposed of client questionnaires at the same time. These documented additional lifestyle, employment, demographic and nutrition information; however, the questionnaires were not inside file folders and did not include any identifying information (i.e. the top page, which contained name, address, telephone numbers, date of birth and email had been shredded, along with the membership agreement if it had a signature on it). The Organization reported that it would be impossible to match up these questionnaire pages with a client name or file folder. • At approximately 10:30 am on August 4, 2017, the Organization was notified by the Office of the Information and Privacy Commissioner that an individual had seen the file folders and documents belonging to the Organization in the dumpster and had reported their findings to the Privacy Commissioner’s office.
Affected individuals	The incident affected 171 individuals who are residents of Alberta.
Steps taken to reduce risk of harm to individuals	At approximately 10:45 am on August 4, 2017, the Organization retrieved the file folders and questionnaires from the dumpster. In the future, the Organization will shred all personal information.
Steps taken to notify individuals of the incident	On August 10, 2017, the Organization sent an email to the affected individuals notifying them of the incident.
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>In its report of the breach, the Organization took the position that as the identifiable information on the questionnaires had been shredded, the only personal information at issue in this incident was the client’s name on the file folder and the weigh-in chart with the Organization’s logo inside the file folder. In its view, this information could cause possible embarrassment and humiliation to the client if it became known that the client attended its weight management clinic and what their weight was.</p> <p>I agree with the Organization. The information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment.</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 in its view the sensitivity of the personal information at issue in this incident was low, but that some affected individuals may feel the harms of hurt, humiliation and embarrassment were significant. With respect to the likelihood that harm could result, the Organization said “There could be the likelihood of embarrassment or humiliation; however the information was recovered in a timely fashion from the locked dumpster. It is possible any other tenant ... that had a key may have thrown out trash and had seen the file folders lying in the bottom of the dumpster. There was nothing of malicious intent or purpose, and nothing highly sensitive such as personal or contact information discarded, other than the file folder with the client name, a record of their weight with month and day, and recipes added to their meal plan. There was no information included to indicate whether the client was a child, adult or senior.”</p> <p>In my view, there is a real risk of harm resulting from this incident. Although the Organization did not discard the information in the dumpster with any malicious intent, there is evidence that at least one individual saw the file folders and documents and was able to associate the names on the file folders and weigh-in information with the Organization. The information was in the dumpster from the evening of August 2, 2017 until the morning of August 4, 2017. The Organization is unable to confirm that no one else saw the file folders and documents.</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. The information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. Although the incident was not the result of malicious intent, there is evidence that at least one unauthorized individual saw the file folders and documents and was able to identify the files as client information belonging to the Organization. The amount of time the information was out of the custody and control of the Organization combined with the fact that it had been viewed by someone who was not authorized to view it and that the Organization could not confirm it had not been viewed by anyone else increases the risk of hurt, humiliation or embarrassment resulting in this case.</p> <p>I require the Organization to notify affected individuals in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i>.</p> <p>I understand the Organization notified the affected individuals by email sent August 10, 2017. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner