



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Millbourne Sports Plus Physiotherapy Clinic (Organization)
Decision number (file number)	P2017-ND-127 (Case File #006291)
Date notice received by OIPC	August 21, 2017
Date Organization last provided information	August 21, 2017
Date of decision	September 5, 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”	<p>The information at issue in this case appears to qualify as health information as defined in Alberta’s <i>Health Information Act</i> (HIA). Pursuant to section 4(3)(f), PIPA does not apply to “health information” as defined in HIA to which that Act applies. Despite the fact the information appears to be “health information”, the Organization is not an “affiliate” or a “custodian” under the HIA. Therefore, the HIA does not apply.</p> <p>The Organization is, however, an “organization” as defined in section 1(1)(i) of PIPA.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• health care number,• physiotherapy record,• auto insurance information. <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 July 8, 2017, the Organization’s Clinic Manager took home four patient charts in order to complete them in the evening. • The paper charts were stored in a backpack, which was left in the Manager’s vehicle which was locked and parked in the driveway. • On August 1, 2017, the Manager discovered the backpack was missing from the vehicle.
Affected individuals	The incident affected four (4) patients.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Searched the Manager’s home in case the backpack had been taken indoors. • Reported the incident to law enforcement and the College of Physiotherapy. • Revised policy to ensure patient files are not removed from the clinic in the future.
Steps taken to notify individuals of the incident	The Organization reported “Affected patients were notified verbally or will be notified verbally via a phone call when they attend the clinic.” It appears from the Organization’s report that three of the affected individuals were notified of the incident verbally on or around August 4, 2017.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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>The Organization reported that “...there is the potential for identity theft”.</p> <p>I agree with the Organization’s assessment. Contact and identity information could be used to cause the harms of identity theft and fraud. Further, the health information at issue could be used to cause embarrassment, hurt and humiliation. These are significant harms.</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.	The Organization reported that “After talking to the police, it seems that the likelihood of harm is low... It is likely that some neighbourhood kids did the break-in. On discovering that there is no money in the back pack, they likely tossed the back pack and its contents into the trash... To use the information in the charts, they will likely need other forms of identification, including a photo identification, therefore, the perpetrators are unlikely to be able to use this information.”

	<p>In my view, the likelihood of harm resulting in this case is increased because the incident resulted from malicious intent (vehicle break-in and theft). The backpack has not been recovered. The Organization can only speculate as to the intent of the perpetrator(s).</p>
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DECISION UNDER SECTION 37.1(1) OF PIPA

Given the information reported by the Organization I have concluded that there is a real risk of significant harm in this case.

Contact and identity information could be used to cause the harms of identity theft and fraud. Further, the health information at issue could be used to cause embarrassment, hurt and humiliation. These are significant harms. The incident resulted from malicious intent (vehicle break-in and theft). The backpack has not been recovered. The Organization can only speculate as to the intent of the perpetrator(s).

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

It appears from the Organization’s report of this incident that three of the affected individuals were notified of the incident verbally on or around August 4, 2017. I require the Organization to confirm to my Office within 10 days of the date of this decision that all of the affected individuals have been notified in accordance with the Regulation.

Jill Clayton
Information and Privacy Commissioner