



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	King Edward Child Care Society (Organization)
Decision number (file number)	P2017-ND-129 (File #006292)
Date notice received by OIPC	August 22, 2017
Date Organization last provided information	August 22, 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 those 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 Organization is incorporated under Alberta’s <i>Societies Act</i> and is a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA. Under sections 56(2) and (3), PIPA only applies to personal information that is collected, used or disclosed by non-profit organizations in connection with a commercial activity.</p> <p>Pursuant to section 56(1)(a) of PIPA, a “commercial activity” is any transaction, act, conduct, or regular course of conduct that is of a commercial character.</p> <p>In this case, the personal information at issue was collected as part of the delivery of a child care program, for which the Organization charges fees. In my view, the delivery of a child care program for a fee is a commercial activity. Therefore, PIPA applies in this matter.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The following information is at issue:</p> <ul style="list-style-type: none">• child’s name, date of birth, home address, telephone number, health information (e.g. allergies, immunizations, medication, special circumstances),• name, address, telephone number of emergency contact,• name, address, telephone number of parent/guardian, and• name of physician, address and contact number.

	This information is about identifiable individuals (children, parents/guardians, emergency contacts) and is “personal information” as defined in section 1(1)(k) of PIPA.
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 August 18, 2017, a staff member left an emergency backpack containing a portable first aid kit and the information at issue at a school playground. The incident was discovered on August 21, 2017 when the same staff member looked for the backpack and could not find it.
Affected individuals	The incident affected 80 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Reported the incident to law enforcement, as well as the Organization’s Alberta Child Care Services Licensing Officer.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on August 21, 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 “The person/s who found it now has access to the children and families' information and could possibly use the information to misrepresent [sic] our program.” The Organization also reported “The person/s could use this information to identify himself/herself as a staff from [the Organization] or access families directly for other reason.”</p> <p>I agree with the Organization that the contact and profile information (that a child participates in the program) could be used by an unscrupulous individual to mispresent himself/herself for some fraudulent purpose. Health information could be used to cause the harms of hurt, humiliation and embarrassment. 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 did not specifically assess the likelihood of harm resulting in this case, but reported “It has been three (3) days when the emergency backpacked [sic] was left at the ... playground. With our program name, address and contact number, the person/s who found this should have returned this by now.” The Organization also noted that the information includes information of a number of children ages 5-8, and to date the police have not recovered the backpack.

	In my view, the likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered. Further, some of the affected individuals are children, who are members of a vulnerable population.
--	--

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 and profile information (that a child participates in the program) could be used by an unscrupulous individual to misrepresent himself/herself for some fraudulent purpose. Health information could be used to cause the harms of hurt, humiliation and embarrassment. These are significant harms. The likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered. Further, some of the affected individuals are children, who are members of a vulnerable population.

The Organization is required to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand that affected individuals were notified by email on August 21, 2017. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner