



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

<b>Organization providing notice under section 34.1 of PIPA</b>	YWCA of Calgary (Organization)
<b>Decision number (file number)</b>	P2017-ND-135 (File #005117)
<b>Date notice received by OIPC</b>	March 3, 2017
<b>Date Organization last provided information</b>	March 3, 2017
<b>Date of decision</b>	October 3, 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>	<p>The Organization operates on a not for profit basis. Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>“Non-profit organization” is defined in section 56(1) to mean an organization “that is incorporated under the <i>Societies Act</i> or the <i>Agricultural Societies Act</i> or that is registered under Part 9 of the <i>Companies Act</i>.”</p> <p>In this case, the Organization is established by a special act of the Alberta Legislature and does not qualify as a “non-profit organization” as defined in section 56(1)(b) of PIPA, despite operating on a not for profit basis. Therefore, I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i) of PIPA.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	The information at issue is “medical information”, and specifically that an employee’s leave of absence was a “stress leave”. This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.

<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>• The Organization reported that on or around February 2 - 6, 2017, a caller telephoned an employee’s work telephone number and was advised that the employee was "out on a stress leave".</li> <li>• The Organization was made aware of the incident on February 7, 2017 when the affected employee reported receiving a call from a colleague in the community relaying the incident.</li> </ul>
<b>Affected individuals</b>	The incident affected one (1) Alberta resident.
<b>Steps taken to reduce risk of harm to individuals</b>	Reviewed privacy policy and protocols with team leaders and all employees, and used training scenarios with employees.
<b>Steps taken to notify individuals of the incident</b>	The affected individual brought the incident to the attention of the Organization on February 7, 2017.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<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>The Organization reported that the harm that could result from this incident was “Damage to reputation” and the employee “was upset at this breach of privacy and disclosure along with the possible reputational implications.”</p> <p>I agree with the Organization. The information at issue includes medical and employment information (away from work due to a medical reason) that could be used to cause the harms of embarrassment, hurt, humiliation and damage to reputation. These are significant harms.</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>The Organization reported that “Harm was limited to one other individual having heard personal information...The information was shared during a one time telephone conversation and was not malicious in intent. Since it was verbal in nature the content could not be retrieved, it was corrected during the conversation again, however, it was too late.”</p> <p>In my view, although the incident was the result of human error and not malicious intent, and the unauthorized recipient reported the matter to the affected individual, there is a personal/professional relationship between the unauthorized recipient and the affected individual, which increases the likelihood that embarrassment, hurt, humiliation and damage to reputation could result.</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 information at issue includes medical and employment information (away from work due to a medical reason) that could be used to cause the harms of embarrassment, hurt, humiliation and damage to reputation. These are significant harms. Although the incident was the result of human error and not malicious intent, and the unauthorized recipient reported the matter to the affected individual, there is a personal/professional relationship between the unauthorized recipient and the affected individual, which increases the likelihood that embarrassment, hurt, humiliation and damage to reputation could result.

The Organization is required to notify the affected individual in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand the affected individual contacted the Organization on February 7, 2017 to inform it of the incident. The Organization is required to confirm to my Office, within ten (10) days of the date of this decision, that its discussion with the affected individual met the notification requirements of the Regulation.

Jill Clayton  
Information and Privacy Commissioner