



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Independent Counselling Enterprises Inc. (Organization)
Decision number (file number)	P2018-ND-005 (File #005492)
Date notice received by OIPC	May 2, 2017
Date Organization last provided information	October 19, 2017
Date of decision	January 3, 2018
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"	The Organization is an "organization" as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved all or some of the following information: <ul style="list-style-type: none">• name, and• pay rate. This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• The Organization reported that an employee accessed confidential wage information of 4 management employees. The employee allegedly obtained unauthorized access to the information using a password provided to him by another employee.

	<ul style="list-style-type: none"> • The Organization’s IT contractor reviewed the computers of the two employees allegedly involved. A search of the first employee’s computer confirmed he had attempted to access several computer files including financial files. No evidence was found that the financial files were opened or compromised. It also does not appear that any other employee information was compromised. • The incident was discovered on April 24, 2017, when a client of the Organization reported that the employee had disclosed the information of the 4 employees to the client. • There is evidence that the employee’s conduct began in 2015 and continued up to and including April 17, 2017.
Affected individuals	The incident affected four (4) Albertans.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Increased the integrity/protection to prevent reoccurrence, passwords were changed and restricted. • Conducted an internal investigation that included interviews with the employees involved and the client who alerted the Organization to the breach. • Reviewed all information obtained by the IT Contractor to ensure no other employees’ privacy was breached. • Suspended the employee allowing no access to the computer system and disconnected the employee’s password. • Obtained the office keys and a flash drive from the employee. • Searched the second employee’s home computer and smartphone with consent of the employee and found no evidence of Organizational information on these devices. • Consulted with legal representation. • Filed a report with Edmonton Police Services.
Steps taken to notify individuals of the incident	Affected individuals were notified verbally of the incident on or about April 24, 2017.
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>The Organization did not directly address the harms that may occur as a result of the breach but the affected individuals “are aware that for unknown reasons their wage information was compromised by a trusted pair of co-workers... the co-workers denied any wrong-doing so the intent is not known... advised the affected individuals to monitor their credit history and to report all inconsistencies to their financial agencies and the Organization.”</p> <p>In my view, the employment 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 the harm “appears to be negligible however...the actual consequences are not known at this time...The harm is not believed to be significant at this point of time.” The Organization also confirmed that there has been no further evidence that the information at issue has been used.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because there was a professional relationship between the employee who accessed the information without authorization and the affected individuals. The Organization does not appear to know the motivation for the breach, and reported that “There is evidence that this conduct began in 2015 and continued to and including April 17/17.”</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>The employment information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. The likelihood of harm resulting from this incident is increased because there was a professional relationship between the employee who accessed the information without authorization and the affected individuals. The Organization does not appear to know the motivation for the breach, and reported that “There is evidence that this conduct began in 2015 and continued to and including April 17/17.”</p> <p>I require the Organization to notify the affected individuals in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individuals in person on or about April 24, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner