



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	The Ortona Gymnastics Club (Organization)
Decision number (file number)	P2018-ND-007 (File #005702)
Date notice received by OIPC	May 25, 2017
Date Organization last provided information	January 29, 2018
Date of decision	January 29, 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”	<p>The Organization is incorporated under Alberta’s <i>Societies Act</i> and qualifies as a “non-profit organization” as defined in section 56(1)(b) 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>In this case, the Organization offers gymnastics programs for which it charges a fee. The information at issue was collected in order to register participants in the gymnastics programs. In my view, the Organization is collecting personal information in connection with a commercial activity, and is subject to PIPA.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• address,• date of birth, and• order/registration information. <p>This information 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 checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • On May 4, 2017, the Organization’s website hosting service provider, Pixel Army, discovered malicious code on its server. • The service provider engaged a third party to investigate. • The Organization reported “Our website hosting server was compromised at the root level which resulted in the possibility of personal information being compromised.”
Affected individuals	The Organization reported that the incident affected “3000 individuals that have accounts on our system”.
Steps taken to reduce risk of harm to individuals	<p>The Organization’s service provider:</p> <ul style="list-style-type: none"> • Locked down the existing server. A new server has been built. All websites are being thoroughly scanned for malicious code and files and being migrated over to the new server. • Additional server security and monitoring suggestions from the investigator are in progress. • Notified law enforcement.
Steps taken to notify individuals of the incident	Notices were mailed to affected individuals on May 15, 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 the possible harms that might result from this incident include “damage to reputation” and the Organization’s “business relationship with our members may [be] tarnished”. Further, “Identity theft of our members is a potential risk”.</p> <p>In my view, the identity information at issue could be used to cause the significant harms of identity theft and fraud.</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.	<p>The Organization reported that “there is evidence of hacking, malware and theft” and “the information can be used for criminal purposes”. Further, “The information was only skimmed or downloaded. Did not need to be retrieved. Approximately 3,000 accounts...Youth and seniors.”</p> <p>In my view, based on information provided by the Organization, there is a real risk of harm resulting from this incident. The breach was the result of malicious intent (unauthorized intrusion, malware). Affected individuals include members of vulnerable populations.</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 individuals.

The identity information at issue could be used to cause the significant harms of identity theft and fraud. The breach was the result of malicious intent (unauthorized intrusion, malware). Affected individuals include members of vulnerable populations.

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

I understand that notification letters were mailed to affected individuals on May 15, 2017. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner