



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Keegano Housing Cooperative Ltd. (Organization)
Decision number (file number)	P2018-ND-045 (File #008155)
Date notice received by OIPC	March 26, 2018
Date Organization last provided information	April 9, 2018
Date of decision	April 9, 2018
Summary of decision	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).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	<p>The Organization is a housing co-operative that operates on a not for profit basis.</p> <p>The Organization is incorporated under Part 9 of Alberta’s <i>Companies Act</i> and is a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA.</p> <p>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>“Commercial activity” is defined in section 56(1)(a) of PIPA to mean “any transaction, act, or conduct or ...regular course of conduct, that is of a commercial character...”.</p> <p>In this case, the Organization is a housing co-operative, which charges fees for operating and maintenance costs. The information at issue was collected during the course of these activities. In my view, the Organization collected the personal information in connection with a commercial activity and is subject to PIPA.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"> • name, • address, • description of housing charge in arrears (in-camera section of the finance committee minutes dated June 20, 2017). <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<p>DESCRIPTION OF INCIDENT</p>	
<p><input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure</p>	
<p>Description of incident</p>	<ul style="list-style-type: none"> • The Organization’s in camera Finance Committee minutes were inadvertently uploaded on the Organization’s internal website where members could view them (with a password). • The minutes revealed the information at issue. • The minutes were posted between September and October 2017. • The incident was discovered on December 22, 2017 when the Organization’s property manager was reviewing the website.
<p>Affected individuals</p>	<p>The incident affected one (1) individual.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Immediately deleted the information from the website and media library. • Notified the board of directors.
<p>Steps taken to notify individuals of the incident</p>	<p>The affected individual was verbally notified of the incident, and verified as much by signing the breach report the Organization submitted to my office.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 reported that “This information is not highly sensitive, it was exposed for about 4 months and there is no evidence of malicious intent or purpose, such as theft, hacking, or malware. The information cannot be used for criminal purpose such as for identity theft or fraud.” The Organization also reported that the affected individual was notified and “did not consider it as an issue.”</p> <p>I agree with the Organization that it is unlikely the information at issue could be used for identity theft, fraud or other criminal purposes. However, the information could be used to cause hurt, humiliation and embarrassment. These are significant harms.</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 “1 Person was involved and the harm may not be significant” and also that the affected individual “did not consider it as an issue.” However, the information “was exposed for about 4 months”.</p> <p>In my view, despite the fact the incident did not result from malicious intent (but rather apparent human error), the likelihood of harm resulting is increased because the personal information was exposed for 4 months, and the Organization did not provide any information about how many individuals may have accessed the information. As the information was potentially exposed to members of the Organization, there is likely to be personal relationships between the affected individual and anyone to whom the information was disclosed, making it more likely the significant harms of hurt, humiliation and embarrassment may result.</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 individual.</p> <p>The financial information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. Despite the fact the incident did not result from malicious intent (but rather apparent human error), the likelihood of harm resulting is increased because the personal information was exposed for 4 months, and the Organization did not provide any information about how many individuals may have accessed the information. As the information was potentially exposed to members of the Organization, there is likely to be personal relationships between the affected individual and anyone to whom the information was disclosed, making it more likely the significant harms of hurt, humiliation and embarrassment may result.</p> <p>I require the Organization to notify the affected individual 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 the affected individual verbally, and verified as much by having the individual sign the breach report the Organization submitted to my office. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner