



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Red Deer Therapy (Organization)	
<b>Decision number (file number)</b>	P2018-ND-57 (File #004804)	
<b>Date notice received by OIPC</b>	January 24, 2017	
<b>Date Organization last provided information</b>	March 6, 2017	
<b>Date of decision</b>	May 7, 2018	
<b>Summary of decision</b>	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).	
<b>JURISDICTION</b>		
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization is a private psychology practice office and is an “organization” as defined in section 1(1)(i) of PIPA.	
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• telephone number,</li><li>• date of birth,</li><li>• client notes,</li><li>• mental health diagnosis,</li><li>• psychological assessment information,</li><li>• treatment plans,</li><li>• medication information,</li><li>• fee amount, and</li><li>• appointment dates.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>	
<b>DESCRIPTION OF INCIDENT</b>		
<input type="checkbox"/> loss	<input checked="" type="checkbox"/> unauthorized access	<input type="checkbox"/> unauthorized disclosure

<b>Description of incident</b>	<ul style="list-style-type: none"> <li>On or about January 13, 2017, the Organization was subject to a break and enter and robbery.</li> <li>The office door showed signs of a forced entry.</li> <li>One filing cabinet was broken into and another filing cabinet was tampered with but not accessed.</li> <li>The bottom drawer of the filing cabinet that was broken into was pulled out and rummaged through. The top drawer of the filing cabinet that was broken into contained active client paper files, but was intact and did not show any disruption.</li> <li>The incident was discovered on January 16, 2017.</li> </ul>
<b>Affected individuals</b>	The incident affected 20 Alberta residents.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Enhanced premises and filing cabinet security.</li> <li>Notified building manager and the professional college.</li> <li>Notified the RCMP and the Office of the Information and Privacy Commissioner.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter March 1, 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 " (i) f files were breached then humiliation; damage to reputation or relationship; identity theft would be the type of harm assessed to individuals."</p> <p>I agree with the Organization. The medical and health information at issue could be used to cause the significant harms of humiliation, and damage to an individual's reputation or relationships. The contact and identity information could be used for identity theft purposes. This is also a significant harm.</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 its "assessment of the harm would be minimal as I do not believe [the] files were compromised, or viewed. It is the opinion of the RCMP member who attended the scene that the perpetrators were looking for prescription pads as there had been a number of local incidents of break and enters due to seeking prescription pads...If there [sic] were looking for information, [the] files would have been pulled out of the filing cabinet...The RCMP have arrested the perpetrator as he tried to cash one of [the] old cheques by erasing [a] name on the cheque and writing his name...This old cheque was located in the bottom of [the broken] filing cabinet drawer. Therefore, [the Organization] does not believe there any [sic] client harm as the perpetrator was looking for money."</p>

	<p>Additionally, the Organization reported that the information “was exposed for approximately 10 minutes from when the perpetrator broke into [the] office and when he/she left...”.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate break and enter, and robbery). Although the Organization believes the client files were not accessed, and the perpetrator was looking for money, it is impossible to know this for sure.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
	<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 medical and health information at issue could be used to cause the significant harms of humiliation, and damage to an individual’s reputation or relationships. The contact and identity information could be used for identity theft purposes. This is also a significant harm.</p> <p>The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate break and enter, and robbery). Although the Organization believes the client files were not accessed, and the perpetrator was looking for money, it is impossible to know this for sure.</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 a letter dated March 1, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>

Jill Clayton  
Information and Privacy Commissioner