



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Dr. Carley Christianson, Christianson Counselling (Organization)
Decision number (file number)	P2018-ND-067 (File #006881)
Date notice received by OIPC	October 23, 2017
Date Organization last provided information	October 27, 2017
Date of decision	July 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”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• email address,• receipt for a counselling session,• K number (personal service number for military members), and• medical 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 type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On October 23, 2017, an employee of the Organization sent an email with two attachments that included personal and identifying information to the wrong email address.

	<ul style="list-style-type: none"> • The employee meant to email the message to herself, and when the email was not received, it was noticed that the message was sent to a mis-typed email address. • The Organization said it was unclear who the unintended recipient is, and is not sure if there was a recipient as it might have been sent to an inactive email address. • The Organization asked the unintended recipient to delete the email and confirm the deletion of the email but did not receive any response to date.
Affected individuals	The incident affected 3 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Requested that the unintended recipient delete the email. • Encrypt all sent emails, including ones sent to self, going forward. • Contacted the affected individuals. • Contacted legal counsel.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on October 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 reported the possible harm that might result from this incident include “humiliation, damage to reputation”. The Organization reported that it “...does not believe the information could be used for criminal purposes, but it is personal and potentially embarrassing.”</p> <p>I agree with the Organization. The contact, identity and sensitive medical information at issue could be used to cause the significant harms of humiliation, damage to reputation, and embarrassment. Email address could be used to send unsolicited emails and for phishing, which I have previously found to be a significant harm.</p>
<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>	<p>The Organization reported that “There was no malicious intent...” and also that it is not sure the incorrect email address is active.</p> <p>In my view, there is a real risk of significant harm resulting from this incident, despite the fact the incident resulted from human error and not malicious intent. The likelihood of harm resulting is increased as the Organization was not able to confirm whether the email and attachments were deleted and not forwarded to other parties, despite requesting the unintended recipient confirm doing so.</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 contact, identity and sensitive medical information at issue could be used to cause the significant harms of humiliation, damage to reputation, and embarrassment. Email address could be used to send unsolicited emails and for phishing, which I have previously found to be a significant harm. The likelihood of harm resulting is increased as the Organization was not able to confirm whether the email and attachments were deleted and not forwarded to other parties, despite requesting the unintended recipient confirm doing so.

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

I understand the Organization notified affected individuals in an email on October 24, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner