



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Canadian Blood Services (Organization)
Decision number (file number)	P2018-ND-071 (File #008739)
Date notice received by OIPC	May 22, 2018
Date Organization last provided information	May 22, 2018
Date of decision	July 4, 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 the 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 operates on a not for profit basis. Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>“Non-profit organization” is defined in section 56(1) to mean an organization “that is incorporated under the <i>Societies Act</i> or the <i>Agricultural Societies Act</i> or that is registered under Part 9 of the <i>Companies Act</i>.”</p> <p>In this case, the Organization is incorporated under the federal <i>Canada Not-for-Profit Corporation Act</i> and does not qualify as a “non-profit organization” as defined in section 56(1)(b) of PIPA, despite operating on a not for profit basis. I have jurisdiction because the Organization operates in Alberta is an “organization” as defined in Section 1(1)(i) of PIPA.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved records of donation which may include the following personal health information:</p> <ul style="list-style-type: none">• donor name,• donor identification number,

	<ul style="list-style-type: none"> • address, • telephone number, • date of birth, • sex, • clinic date and location, • blood type, • blood pressure, • pulse and hemoglobin reading, • donation bleed time, and • responses to health and medical history questions relating to illness, medication, travel history, infectious disease and lifestyle risk factors (such as sexual activity and illegal drug use). <p>Some records of donation would also indicate if a donor was deferred from donating, either temporarily or indefinitely, at the clinic.</p> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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DESCRIPTION OF INCIDENT

loss
 unauthorized access
 unauthorized disclosure

<p>Description of incident</p>	<ul style="list-style-type: none"> • On April 27, 2018, the Organization’s former records storage service provider in Calgary confirmed that two boxes containing paper records of donation could not be located in its facility. The boxes were identified as missing during a records verification process undertaken in May 2017 after the storage service provider sold certain of its holdings to another company. • After identifying the missing boxes, the Organization notified both the storage service provider and the new company. The new company confirmed that it never received the two boxes of the Organization’s records, but still conducted a search of its premises to confirm same. • The original storage provider also conducted searches of its Calgary premise, and confirmed that it could not locate the boxes within its facility. • The two missing boxes contained completed records of donation for approximately 2,652 individuals who made, or attempted to make, whole blood, plasma or platelet donations at the Organization’s Calgary area clinics, including Lethbridge and Medicine Hat, between June 14 and 19, 2006 and between September 4 and 8, 2008.
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Affected individuals	The incident affected approximately 2,652 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Since July 2016, the Organization has been collecting and storing records of donation electronically, which has significantly reduced the risk of this type of incident from occurring. • Implemented technical and administrative safeguards to ensure the protection of information collected electronically through the donation process. • Provided affected individuals with a telephone number and email address to obtain further information about the incident. • Posted a public statement regarding the incident on the Organization’s website www.blood.ca. • Reviewing internal policies related to the storage of its records and, where necessary, making appropriate enhancements.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter sent on May 17, 2018.
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 did not identify any specific harm that might result from this incident.</p> <p>In my view, the contact and identity information could be used to cause identity theft and fraud. Sensitive medical information could be used to cause hurt, humiliation, and embarrassment. These are all significant harms.</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 “We have no indication of any unauthorized access or misuse of the paper donation records. We believe, but cannot confirm, that the missing records are misplaced within [the storage service provider’s] Calgary premises”.</p> <p>In my view, there is a real risk of harm resulting from this incident. The information has not been located and the Organization does not know what happened to it. The Organization cannot confirm that the incident was not the result of malicious intent.</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.	

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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 the Organization notified the affected individuals by letter sent on May 17, 2018. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner