



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	CDN Controls Ltd. (Organization)
Decision number (file number)	P2018-ND-130 (File #009687)
Date notice received by OIPC	September 10, 2018
Date Organization last provided information	September 10, 2018
Date of decision	September 27, 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”	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The Organization reported the incident involved a work schedule that included “dates on which the previous employee worked. The information involved only dates and did not include length of shifts or rate of pay.”</p> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</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">• The Organization received a telephone call from a former employee alleging that his dates of employment were given to his ex-spouse by one of the Organization’s Managers, without the former employee’s knowledge or consent.• The former employee found out about the matter when the court reviewing his divorce proceeding had a copy of his work schedule, printed on the Organization’s letterhead.

	<ul style="list-style-type: none"> • The former employee had not given permission for the Organization to disclose the information. • The Organization reported the incident occurred between March 19, 2018 and August 22, 2018. The breach was discovered on March 19, 2018.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Disciplined the Manager who was in violation of PIPA. • Had the Manager re-sign the Organization’s confidentiality agreement. • Implemented a Personal Information Protection policy and had all managers, payroll personnel, and HR personnel sign off on it, including “the employee who was in violation of PIPA”.
Steps taken to notify individuals of the incident	Affected individuals were not notified.
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 that “Due to the nature of the information given, the previous employee is claiming that he can lose his children in a custody battle as a result of the breach”.</p> <p>In my view, the employment information included in the work schedule would not necessarily or even typically be sensitive for many people; however, in circumstances such as those of this breach, could be used to cause potentially significant legal and personal harm, including damage to reputation and relationships.</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 “This was an incident between an [sic] 1 current employee and 1 previous employee. The current employee is in a relationship with the previous employee's spouse with whom he is currently divorcing so there may be evidence of malicious intent.”</p> <p>In my view, the likelihood of significant harm resulting in this case is increased because the breach was the result of what appears to be malicious intent (deliberate disclosure of information) and the information was used in a legal proceeding. The affected individual and the unauthorized recipient of the information have what appears to be a complicated and potentially adversarial personal relationship.</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 individual.	

The employment information included in the work schedule would not necessarily or even typically be sensitive for many people; however, in circumstances such as those of this breach, could be used to cause potentially significant legal and personal harm, including damage to reputation and relationships. The likelihood of significant harm resulting in this case is increased because the breach was the result of what appears to be malicious intent (deliberate disclosure of information) and the information was used in a legal proceeding. The affected individual and the unauthorized recipient of the information have what appears to be a complicated and potentially adversarial personal relationship.

The Organization is required to notify the affected individual in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation) and **confirm to my Office, within ten (10) days of the date of this decision, that the affected individual has been notified in accordance with the requirements outlined in the Regulation.**

Jill Clayton
Information and Privacy Commissioner