



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Eveline Charles Academy Inc. (Organization)
Decision number (file number)	P2018-ND-136 (File #009146)
Date notice received by OIPC	June 11, 2018
Date Organization last provided information	July 11, 2018
Date of decision	October 16, 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 incorporated 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 incident involved all or some of the following information:</p> <ul style="list-style-type: none">• full name,• International Therapy Examination Council (ITEC) score (grade),• date of birth, and• ITEC number. <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. Not all of the above information is at issue for each affected individual.</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 the morning of September 13, 2017, a staff member sent an email to 30-40 of the Organization’s student body and staff advising the recipients of a promotional offer and entitled “Dermalogica 55% off!”.

	<ul style="list-style-type: none"> • A 17-page attachment was inadvertently attached to the email, which contained the information at issue. The attachment was not encrypted. • The incident was discovered the same day when one of the recipients noticed the error.
Affected individuals	The incident affected 39 students whose personal information was contained in the attachment.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Notified the IT manager to have the email deleted from all database emails; however, this was not possible without logging in to each individual account and manually deleting the email. As such, this was not done. • The Organization advised that the email was sent to eacademy.com and evelinecharles.com specific emails that are only accessible to students and staff. • The Organization advised it now encrypts all scanned documents involving students’ personal information and grades. ITEC grades will be completed and submitted online, instead of through paper documents.
Steps taken to notify individuals of the incident	On the afternoon of the same day, the Organization sent another email with the same title to the recipients and advised that the wrong attachment had been sent. However, it did not notify affected individuals that their personal information had been inadvertently disclosed.

REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>Harm Some damage or detriment or injury – that could be caused to those 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 “The ITEC grades in the email do not directly translate to success in the [Organization’s] programs, trade programs or employment as they are related to an outside certification program. However, disclosure of the grades to student peers could have caused humiliation for students who did not wish to have their scores available to other students”.</p> <p>The Organization reported that it considered the level of sensitivity to be low as the information available was not reflective of the student’s success in their respective program and their personal information is already available to the student and instructor body through the Organization’s online curriculum system (LAB). However, the Organization only puts a students’ first and last name into LAB. Students may voluntarily add additional profile information.</p> <p>In my view, a reasonable person would consider that the personal information (scores) could be used to cause the harms of hurt, humiliation and embarrassment. Furthermore, given that the</p>
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	<p>information was circulated to recipients who were, or are, in the beauty industry in Alberta, it is possible that the information could be used to harm students' employment prospects or their reputation in the industry. In addition, identity information (date of birth, which was at issue for 6 individuals) could be used to cause the harms of identity theft and fraud. These are all significant harms.</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 "The information was not released to the general public. There was no encryption of the information provided. The time of exposure was approximately 7 hours before the correction was made. The situation occurred entirely by accident and there was no malicious intent or purpose associated.... All were adult students and staff of the [Organization] ...".</p> <p>In my view, there is a low risk of identity theft and/or fraud resulting from this incident, due to the personal/professional relationships between the affected individuals and the unauthorized recipients, and the lack of malicious intent. However, the disclosure of the information itself could cause the significant harms of hurt, humiliation and embarrassment due to these same relationships, and this disclosure has already occurred. Moreover, the information continues to be exposed and therefore there is the possibility of further use and dissemination of the information.</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 individuals.</p> <p>The personal information (scores) could be used to cause the harms of hurt, humiliation and embarrassment. Furthermore, given that the information was circulated to recipients who were, or are, in the beauty industry in Alberta, it is possible that the information could be used to harm students' employment prospects or their reputation in the industry. In addition, identity information (date of birth, which was at issue for 6 individuals) could be used to cause the harms of identity theft and fraud. These are all significant harms.</p> <p>Despite the above, in my view a reasonable person would consider that there is a low risk of identity theft and/or fraud resulting from this incident, due to the personal/professional relationships between the affected individuals and the unauthorized recipients, and the lack of malicious intent. However, the disclosure of the information itself could cause the significant harms of hurt, humiliation and embarrassment due to these same relationships, and this disclosure has already occurred. Moreover, the information continues to be exposed and therefore there is the possibility of further use and dissemination of the information.</p>	

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation) and **confirm to my office within ten (10) days of this decision that it has done so.**

Jill Clayton
Information and Privacy Commissioner