



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	SMS Equipment Inc. (Organization)
Decision number (file number)	P2018-ND-149 (File #010062)
Date notice received by OIPC	October 19, 2018
Date Organization last provided information	November 2, 2018
Date of decision	November 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 an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved a notebook containing notes about:</p> <ul style="list-style-type: none">• employee performance and coaching sessions,• medical appointments/requests for time off and medications that may affect work, and• personal issues relevant to performance matters. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> <input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On August 27, 2018, a Supervisor with the Organization opened the cabinet in his office to retrieve a notebook containing the personal information at issue; however, the notebook was missing.• The notebook was last seen on August 24, 2018 and is believed to have gone missing on or around August 26, 2018.• The Organization believes the notebook may have been stolen.

Affected individuals	The incident affected 37 individuals residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Discussed the contents of the notebook with the Supervisor. • Sought legal counsel. • Filed privacy breach with the Office of the Information and Privacy Commissioner. • Relocated the new notebook to a different location for which there is only one key. • Checking the new location daily to ensure it is locked.
Steps taken to notify individuals of the incident	Affected individuals were notified by way of a hand-delivered note or by mail on November 2, 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 reported the information could be used as follows:</p> <ul style="list-style-type: none"> - <i>Performance information could be used to cause harm, humiliation or embarrassment [sic]</i> - <i>Any personal issues, such as medical appointment dates or medications, could be used to cause harm, humiliation or embarrassment [sic]</i> <p>I agree with the Organization. The contact, employment and medical information could be used to cause the significant harms of hurt, humiliation and/or embarrassment.</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 that “There is the possibility, but no guarantee, that harm will result. If the notebook was taken by the suspected [sic] individual, we are not aware of any specific adversarial relationships between the individual [sic] and persons referenced in the notebook that would lead to an increased likelihood that the notebook would be used to cause harm.”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the cause of the breach is either unknown, or is the result of deliberate action. If the latter, there may well be personal or professional relationships between the affected individuals and the unknown party, making hurt, humiliation and embarrassment more likely. The notebook has not been recovered.</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, employment and medical information could be used to cause the significant harms of hurt, humiliation and/or embarrassment. In my view, the likelihood of harm resulting from this incident is increased because the cause of the breach is either unknown, or is the result of deliberate action. If the latter, there may well be personal or professional relationships between the affected individuals and the unknown party, making hurt, humiliation and embarrassment more likely. The notebook has not been recovered.

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 by way of a hand-delivered note or by mail on November 2, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner