



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	YWCA of Calgary (Organization)
Decision number (file number)	P2018-ND-155 (File #009922)
Date notice received by OIPC	October 3, 2018
Date Organization last provided information	October 3, 2018
Date of decision	November 23, 2018
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. Pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA), the Organization is required to notify the individual.
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 established by a special act of the Alberta Legislature 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. Therefore, PIPA applies because the Organization is an “organization” as defined in section 1(1)(i) of PIPA.</p>
Section 1(1)(k) of PIPA “personal information”	The incident involved information about an identifiable employee, including name and salary information as well as information on the employee's role that had not been disclosed yet.

	This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
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 September 19, 2018, an employee sent an email to HR about changes to a current employees work schedule and pay rate. The employee also included another employee, not in HR, who should not have received the information. The incident was discovered the same day when the employee who received the email in error emailed her manager to let her know of the incident.
Affected individuals	The incident affected one individual.
Steps taken to reduce risk of harm to individuals	The manager spoke to both employees about the incident and reminded them about confidentiality.
Steps taken to notify individuals of the incident	The Organization reported that “The effected [sic] employee was notified through a verbal conversation with her manager about what had happened. The employee indicated it was ok and would not escalate the incident.”
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 “No harm would come from this” and “The harm is not significant as it was only salary amounts that were listed and employees can discuss these if they choose to.”</p> <p>In my view, a reasonable person would consider that the employment information at issue could be used to cause the harms of hurt, humiliation and embarrassment. These are 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 that “There is no likihood [sic] of harm occuring [sic] as the information was not exposed for a significant time period, no vulnerable individuals were involved, there was no evidence of malicious intent or purpose and the information could not be used for criminal purposes”.</p> <p>In my view, the likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. Nonetheless, it appears the information was viewed, and, due to the potential for personal/professional relationships between the affected individual and the unauthorized</p>

	recipients, there is a real risk of hurt, humiliation and embarrassment as a result.
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 in this case.</p> <p>A reasonable person would consider that the employment information at issue could be used to cause the harms of hurt, humiliation and embarrassment. These are significant harms.</p> <p>The likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. Nonetheless, it appears the information was viewed, and, due to the potential for personal/professional relationships between the affected individual and the unauthorized recipients, there is a real risk of hurt, humiliation and embarrassment as a result.</p> <p>I require the Organization to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation). I understand the affected individual was notified through a conversation with her manager. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner