Office of the Information and
Privacy Commissioner of Alberta

PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Juvenile Diabetes Research Foundation (Organization)
Decision number (file number)	P2019-ND-014 (File #008114)
Date notice received by OIPC	March 26, 2018
Date Organization last provided information	March 26, 2018
Date of decision	February 14, 2019
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 *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	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. "Non-profit organization" is defined in section 56(1) to mean an organization "that is incorporated under the *Societies Act* or the *Agricultural Societies Act* or that is registered under Part 9 of the *Companies Act*." In this case, the Organization is a national charitable organization incorporated under the *Canada Not-For-Profit Companies Act*, and is not a non-profit organization as defined in PIPA. Therefore, PIPA applies to all of the Organization's activities.
Section 1(1)(k) of PIPA "personal information"	The incident involved the following information: • name, • email address, and • donation amount.

	This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. To the extent this information was collected in Alberta, PIPA applies.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	
Description of incident	• On March 19, 2018, a participant notified the Organization that when they logged onto their fundraising page, they saw a list of donors that were attributed to their profile but did not recognize the donors. • The Organization discovered that human error caused 2017 donation history to be incorrectly loaded into the Organization's new online donation system. • The incident occurred between February 11, 2018 and March 18, 2018. • As a result of the incident, thirty-four walk participants had the potential to view another participant for 129 donors.
Affected individuals	The Organization said the incident affected 34 walkers and 129 donors. The Organization did not respond to further questions about whether these numbers reflected the number of Albertans who may have been affected by the incident.
Steps taken to reduce risk of harm to individuals	Donor information was removed from the website on March 22, 2018.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on March 23, 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.	The Organization reported that "We believe that there will be no harm to the donor as a result of the breach" and "We do not believe the harm to be significant." In my view, a reasonable person would consider that the contact information, including email address, particularly in conjunction with donation amount and profile information (that individuals were donors to the Organization) could be used to send unsolicited emails and for phishing purposes, leading to an increased risk of fraud. These are significant harms.

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.	The Organization reported that "We do not believe that any harm will result from this incident". In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. However, the information may have been exposed for over one month. The Organization did not provide any additional information concerning whether or not information was downloaded, or why it considered no harm will result.

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.

A reasonable person would consider that the contact information, including email address, particularly in conjunction with donation amount and profile information (that individuals were donors to the Organization), could be used to send unsolicited emails and for phishing purposes, leading to an increased risk of fraud. These are significant harms.

The likelihood of harm resulting from this incident is decreased as the breach resulted from human error and not malicious intent. However, the information may have been exposed for over one month. The Organization did not provide any additional information concerning whether or not information was downloaded, or why it considered no harm will result.

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 in an email dated March 23, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner