



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	Delta West Academy Society (Organization)
Decision number (file number)	P2019-ND-016 (File #008596)
Date notice received by OIPC	May 8, 2018
Date Organization last provided information	June 4, 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 <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization operates a private school as defined in Alberta’s <i>School Act</i> 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 the following information:</p> <ul style="list-style-type: none">• name,• parent email address,• contents of emails exchanges,• student marks,• student photos, and• student daily activity plan. <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"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

Description of incident	<ul style="list-style-type: none"> • On Friday, April 13, 2018, an employee with the Organization left work with his school-issued cellphone, school-issued laptop and markbook in his backpack. • The backpack was put in the employee’s vehicle. • On April 14, 2018, the employee noticed the backpack was no longer in the vehicle. Because there was no damage to the vehicle, the employee assumes that the vehicle was left unlocked and the backpack was stolen. • The cell phone and the laptop were password protected.
Affected individuals	The incident affected 20 families and their children.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Informed the Organization’s IT immediately and remotely disabled the laptop. • Blacklisted the cell phone through the cell phone provider. • Notified the local police service. • Notified Alberta Education.
Steps taken to notify individuals of the incident	Affected individuals were notified in a letter sent by email on May 4, 2018 and on June 4, 2018.

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 “...as soon as the cellphone is turned on, it will wipe any data on the phone. However, if someone is able to access the cell phone information without turning it on, or is able to get past the password on the laptop, they can access Outlook email. There are confidential emails to parents about their child’s achievements or concerns; and confidential emails between staff members, and emails between staff and professional organizations. These could all cause humiliation to the parents and students, and thus damage to the relationships between the school and its families”. Also, “The information is somewhat sensitive since it is very personal but does not have financial or identity theft types of implications. However, if the information between parents and teachers were published, or marks from the markbook, it could be very embarrassing to some parents and students...”.</p> <p>I agree with the Organization’s assessment that the personal nature of the emails and student marks could cause the significant harms of humiliation and embarrassment. Additionally, the parent’s email address could be used to send unsolicited emails and for phishing purposes. I have previously found phishing to be a significant harm.</p>
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<p>Real Risk</p> <p>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 “We believe the theft was random and opportunistic, not targeted, and we are not significantly concerned about the cellphone as it data will be wiped upon turning it on. The laptop is password protected, and not a highly sought after model...However, since we do not know who might end up with the laptop, we are concerned about the information in the emails since it concerns students. For the paper markbook, we do not believe that this information will interest anyone except the students and their families that it concerns. There is no gain to be expected from its misuse.”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (theft from a vehicle). Further, the information on the cellphone, laptop and markbook has not been recovered to date. The Organization can only speculate as to the thief’s intent when stealing these items from the vehicle.</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>I agree with the Organization’s assessment that the personal nature of the emails and student marks could cause the significant harms of humiliation and embarrassment. Additionally, the parent’s email address could be used to send unsolicited emails and for phishing purposes. I have previously found phishing to be a significant harm.</p> <p>The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (theft from a vehicle). Further, the information on the cellphone, laptop and markbook has not been recovered to date. The Organization can only speculate as to the thief’s intent when stealing these items from the vehicle.</p> <p>I require the Organization to notify the affected individuals in Alberta in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individuals in a letter sent by email on May 4, 2018 and on June 4, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner