



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Lago Lindo Preschool (Organization)
<b>Decision number (file number)</b>	P2019-ND-017 (File #008524)
<b>Date notice received by OIPC</b>	April 27, 2018
<b>Date Organization last provided information</b>	November 28, 2018
<b>Date of decision</b>	February 14, 2019
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	<p>The Organization is incorporated under Alberta’s <i>Societies Act</i> and is a “non-profit-organization” as defined in section 56(1)(b)(i) of PIPA. Under sections 56(2) and (3), PIPA only applies to personal information that is collected, used or disclosed by non-profit organizations in connection with a commercial activity.</p> <p>In this case, the Organization operates a preschool and collected the personal information at issue in the course of offering services for a fee. Therefore, PIPA applies as the information at issue was collected in connection with a commercial activity.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• telephone number,</li><li>• email address (for students and parents),</li><li>• contact information for those designated to pick up child,</li><li>• child’s Alberta Health Care number, and</li><li>• health information and allergies.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>

<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"> <li>On April 23, 2018, a binder containing the information at issue was left outside in the playground adjacent to the school.</li> <li>The incident was discovered on April 24, 2018, when a parent noticed papers in the park, collected them, and brought them to the Organization.</li> <li>The papers were torn in a few pieces and the binder was not located. A small portion of documents (three registration forms) have not been recovered.</li> </ul>
<b>Affected individuals</b>	The incident affected 20 individuals in Alberta
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Going forward, backpacks will only contain the minimum amount of information needed for use in an emergency.</li> <li>The backpack will also be fitted with an emergency first aid kit and other supplies. The designated carrier of the backpack will only remove it to access the supplies contained inside.</li> <li>Implemented a process to check at the door, upon returning to the school, to verify all contents that went out are coming back.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by email on April 27, 2018.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<b>Harm</b> 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 possible harm that might result from this incident include “Possible issues with child protection as [the binder] includes addresses for children and personal details. No financial information was included so the risk of identity theft would seem low”.</p> <p>In my view, a reasonable person would consider that the contact and identity information (Alberta Health Care number) at issue could be used to cause the harms of identity theft and fraud. Email addresses could be used for phishing purposes. Health information could be used to cause hurt, humiliation or embarrassment. These are all significant harms.</p>

<p><b>Real Risk</b></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 “All but three of the files were recovered and it's unlikely they were taken. The destroyed [sic] manner they were found in seems to indicate someone just ripped them up to make a mess and took the binder. We assum [sic] the other three files blew away in heavy wind and it is not likely that they were stolen.” Further, “Though technically [sic] anyone could have the three sets of registration forms out of 20 that were not recovered, it is likely they blew away and unlikely they will be used to cause harm to anyone.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action, but rather the backpack was left outside. However, to date, some of the information has not been recovered and some of the affected individuals are children, and therefore a particularly vulnerable population.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></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>A reasonable person would consider that the contact and identity information (Alberta Health Care number) at issue could be used to cause the harms of identity theft and fraud. Email addresses could be used for phishing purposes. Health information could be used to cause hurt, humiliation or embarrassment. These are all significant harms.</p> <p>The likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action, but rather the backpack was left outside. However, to date, some of the information has not been recovered and some of the affected individuals are children, and therefore a particularly vulnerable population.</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 an email on April 27, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton  
Information and Privacy Commissioner