



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Vistara Conway, Registered Psychologist (Organization)
Decision number (file number)	P2019-ND-060 (File #9899)
Date notice received by OIPC	October 3, 2018
Date Organization last provided information	October 16, 2018
Date of decision	May 7, 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 is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• first and/or last name,• address,• telephone number,• email address,• session notes,• date and time of scheduled appointment, and• amount paid receipts. <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">• Between September 26 and September 27, 2018, a vehicle was stolen from a residence, along with personal items and a client file lock-box (with a combination lock type).

	<ul style="list-style-type: none"> • The portable lock box contained client files with the information at issue. • On October 5, 2018, police retrieved the stolen vehicle, but the lock box and personal belongings were missing. • On October 12, 2018, a member of the public emailed the Organization to report they had the Organization’s papers. The member of the public reportedly kept the papers secured until the Organization could retrieve them. • On October 13, 2018, all items were recovered in full by the Organization with no paperwork missing.
Affected individuals	The incident affected approximately 16 individuals residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Notified clients soon after the incident. • Spoke with an organization whose clients may have been affected by the incident about the low potential for risks and harms that could result. • Notified the police. • Notified the Organization’s professional college. • Notified all clients that the papers were retrieved. • In future, will keep client consent forms and other reports in a locked file cabinet in the office and only travel with the minimum of what is needed to ensure service on a given day. Portable files boxes will no longer be left in a vehicle unattended.
Steps taken to notify individuals of the incident	Affected individuals were notified in-person or by telephone on October 2, 2018, except for one individual. All individuals have subsequently been notified by telephone or in-person of the recovery of items affecting them.
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 “There is a slight risk that the thief could have copied the information and could use it to conduct phishing scams (by using the client's name and contact information, and demanding payment for services) ... The release of any details could cause public embarrassment and damage to individual clients if session information was or is revealed or made public.”</p> <p>In my view, a reasonable person would consider the contact and medical/health information at issue could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation. Email addresses could be used for phishing purposes, increasing the affected individuals’ vulnerability to identity theft and fraud. These are all 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.

The Organization reported:

The thief would have to read through significant quantities of difficult to decipher handwritten session notes to obtain additional client information (beyond names of clients and contact information), and in many cases only first names of clients were used. Additionally, references to people related to clients (i.e. partner or child) were written (if at all) using first names only, and many of these names are quite common. There is a risk, however, that information that is sensitive (relating to alleged criminal conduct or domestic violence) could become known and made public if the thief is able to read through the notes and to piece together the first names of the people referred to, the client, and any additional information. Thus it is highly unlikely that the thief could link the information together unless he/she happened to be related to one of the clients and was able to determine that the information related to that person.

In one instance the client is a minor, and the legal guardian has been notified.

The Organization also said:

It does not seem likely that access to the files was the motivation for the theft, given that the car was stripped of its catalytic converter, and personal effects were taken but the files were dumped out of the lock-box. There is a slight risk that ... other people may have come across the information in the time between when the papers were dumped on the front porch of the church and when [they were recovered]. However; files were retrieved in complete order with no markings or evidence of being disturbed...

In my view, a reasonable person would consider 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 part(ies) (theft). The Organization can only speculate on the thief's motives for stealing the lock-box and its contents. Although the lock-box and its contents were recovered, they were found in the public, unsecured, and the information may have been exposed for approximately 2 weeks.

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 the contact and medical/health information at issue could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation. Email addresses could be used for phishing purposes, increasing the affected individuals' vulnerability to identity theft and fraud. These are all significant harms.

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 part(ies) (theft). The Organization can only speculate on the thief's motives for stealing the lock-box and its contents. Although the lock-box and its contents were recovered, they were found in the public, unsecured, and the information may have been exposed for approximately 2 weeks.

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 person or by telephone on October 2, 2018 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner