



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Community Options: A Society for Children and Families (Organization)
Decision number (file number)	P2019-ND-141 (File #010426)
Date notice received by OIPC	November 2, 2018
Date Organization last provided information	November 2, 2018
Date of decision	August 16, 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”	<p>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 reported that it is incorporated under the <i>Societies Act</i>. The Organization’s website says that it is a “...non-profit charitable organization which has provided a variety of services to children and their families since 1977 in the Edmonton and the [sic] surrounding area. [The Organization] supports the diverse needs of children and families through Inclusive Early Childhood Education and community inniatives [sic].”</p> <p>To the extent the personal information at issue was collected in connection with any commercial activities of the Organization, PIPA applies.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"> • child's name, • address, • telephone number, • Alberta health Care number on referral documents, • Individual Program Plan, • services reports, • assessments. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<p>DESCRIPTION OF INCIDENT</p>	
<p style="text-align: center;"> <input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure </p>	
<p>Description of incident</p>	<p>On November 1, 2018, a car belonging to one of the Organization’s teachers was broken into and a file case was taken. The breach was discovered the same day.</p>
<p>Affected individuals</p>	<p>The incident affected 19 individuals.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Reported to law enforcement. • Families were informed immediately. • Policy on safeguarding files and reporting protocol is already in place and was reviewed with the teacher. The policy will also be reviewed with all staff at staff meeting.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by telephone on November 1, 2018.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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>In assessing the type of harm(s) that might result from this incident, the Organization reported “Unknown person may have this information in their possession.”</p> <p>In my view, a reasonable person would consider that the contact, identity and program/services/assessment information at issue could be used to cause the significant harms of identity theft and fraud, and hurt, humiliation and embarrassment.</p>

<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 “Upon reporting the incident to Edmonton Police Services, the Teacher was told there is little chance of harm as the person who stole the case was likely looking for electronics.”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the breach was the result of malicious intent (vehicle break-in and theft), and the Organization did not report recovering the information. The affected individuals are members of a vulnerable population (children). The Organization can only speculate as to the motive of the thie(v)s.</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>A reasonable person would consider that the contact, identity and program/services/assessment information at issue could be used to cause the significant harms of identity theft and fraud, and hurt, humiliation and embarrassment. The likelihood of harm resulting from this incident is increased because the breach was the result of malicious intent (vehicle break-in and theft), and the Organization did not report recovering the information. The affected individuals are members of a vulnerable population (children). The Organization can only speculate as to the motive of the thie(v)s.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand affected individuals were notified by telephone on November 1, 2018. The Organization is not required to notify affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner