



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Leduc Beaumont Family Physicians Group NPC (Organization)
Decision number (file number)	P2019-ND-153 (File #005820)
Date notice received by OIPC	June 7, 2017
Date Organization last provided information	April 26, 2018
Date of decision	August 21, 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>The Organization is part of a Primary Care Network (PCN) which is a joint venture between the Organization and Alberta Health Services. Primary care networks provide health care services related to the prevention, diagnosis, treatment and follow-up of various health conditions, as well as referrals to specialists and diagnostic services such as laboratory tests or X-rays. Patient health information that is collected, used and disclosed in connection with the provision of these health services is health information as defined in Alberta’s <i>Health Information Act</i> and as such PIPA does not apply (section 4(3)(f)).</p> <p>The information at issue in this case, however, is about employees of the Organization, and is not health information as defined in the HIA, such that it would be excluded from PIPA.</p> <p>As the Organization is incorporated under Part 9 of the <i>Companies Act</i>, it qualifies as a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA.</p> <p>Pursuant to 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. A commercial activity is any transaction, act, conduct or regular course of conduct that is of a commercial character (section 56(1)(a)).</p>

	In my view, the health services provided by the Organization are commercial activities. Therefore, PIPA applies in respect of any personal information, including employee information, collected, used or disclosed in connection with the provision of said services.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none"> • name, and • salary information. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • On June 7, 2017, an employee of the Organization emailed a memo to member physicians and their clinic managers (who are not the Organization’s employees) regarding a program change. • The employee created the memo using a template. However, the employee did not realize that the template included several pages, and these other pages included the information about Organization staff salary increases. • The incident was discovered when a recipient of the email notified the employee who had sent the email. • A re-call message was sent to recipients as well as a follow-up message explaining the error. Recipients were asked to discard the original email that was sent.
Affected individuals	The incident affected 23 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Informed the physician and office managers of the error and asked them to delete the email. • Notified affected individuals.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on June 8, 2017.

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 “The primary damage could be to the relationship between ...staff (whose information was disclosed) and ...physicians and their clinic managers. Since these individuals work together as part of their work, this relationship may be impacted.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the salary information at issue could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms.</p>
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<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.</p>	<p>With respect to the likelihood of harm resulting in this case, the Organization reported that “This is difficult to assess. The harm may be insignificant. Through the... board of directors, all physician members are essentially our employers and, as a result, can access this information if they request it. However, the clinic managers are not our employers, and there could be some hurt feelings is [sic] ...salaries are higher than what the clinic managers get paid by our member physicians.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization requested that the information be deleted by the unintended recipients, the Organization was not able to confirm the email was deleted and not copied or forwarded to other parties. The existence of personal/professional relationships also increase the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p>
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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 salary information at issue could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms. The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization requested that the information be deleted by the unintended recipients, the Organization was not able to confirm the email was deleted and not copied or forwarded to other parties. The existence of personal/professional relationships also increase the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.

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 on June 8, 2017 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner