



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Liberty Law (Organization)
Decision number (file number)	P2019-ND-180 (File #013640)
Date notice received by OIPC	October 25, 2019
Date Organization last provided information	December 3, 2019
Date of decision	December 4, 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 the following information:</p> <ul style="list-style-type: none">• patient name,• address,• telephone number,• date of birth,• prescription information, and• prescription history. <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	

<p>Description of incident</p>	<ul style="list-style-type: none"> • The Organization was acting as legal counsel in disciplinary hearings before a Professional College (College). • On October 9, 2019, a lawyer with the Organization printed several hundred pages of records containing personal health information related to the disciplinary hearings. • Due to a printing problem, a number of these documents were discarded in the Organization’s recycle bin, instead of the secure shredding box. • On October 10, 2019, the Organization was advised by the College that an individual had found documents discarded by the Organization in the alley behind the Organization’s building. • The Organization investigated the garbage bins behind the building and did not find any additional documents. • The Organization was not provided with details as to how someone came to be in possession of its documents.
<p>Affected individuals</p>	<p>It is not known how many individuals were affected by this incident.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<p>Use of the secure shredding bin rather than the general recycling bin.</p>
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals have not been notified.</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>The Organization did not specifically identify any harm that might result from this incident.</p> <p>In my view, a reasonable person would consider that the contact and identity information (date of birth) could be used to cause the significant harms of identity theft and fraud. The medical/health information could be used to cause the harms of hurt, humiliation, and embarrassment. These are all significant harms.</p>
<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>The Organization did not specifically assess the likelihood that significant harm would result from this incident.</p> <p>In my view, despite the fact the breach was the result of human error and not malicious intent, a reasonable person would consider there is a real risk of significant harm resulting from this incident. The information was found by an unauthorized individual and the Organization does not appear to have recovered the documents. The Organization does not know how someone came into possession of the documents, how many individuals may be</p>

	affected, or whether the personal information was further disclosed, copied, saved or otherwise distributed.
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 (date of birth) could be used to cause the significant harms of identity theft and fraud. The medical/health information could be used to cause the harms of hurt, humiliation, and embarrassment. These are all significant harms.</p> <p>Despite the fact the breach was the result of human error and not malicious intent, the information was found by an unauthorized individual and the Organization does not appear to have recovered the documents. The Organization does not know how someone came into possession of the documents, how many individuals may be affected, or whether the personal information was further disclosed, copied, saved or otherwise distributed.</p> <p>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) and confirm to me in writing, within 10 days of the date of this decision, that it has done so.</p>	

Jill Clayton
Information and Privacy Commissioner