



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Young Women's Christian Association of Banff (Organization)
Decision number (file number)	P2019-ND-196 (File #013199)
Date notice received by OIPC	May 3, 2019
Date Organization last provided information	May 3, 2019
Date of decision	December 16, 2019
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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>The Organization is incorporated under the <i>Societies Act</i>. Therefore, to the extent the personal information at issue was collected, used or disclosed in connection with a commercial activity, PIPA applies.</p>
Section 1(1)(k) of PIPA "personal information"	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• date of birth,• contact information,• address,• case notes created from support services.

	This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
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"> On March 30, 2019, a client's file was lost after a staff member was updating the file. The Organization believes the file may have been shredded or recycled along with other papers that were discarded on the same date. The breach was discovered on April 10, 2019 when the Manager of Programs and Services was updating department statistics and could not find the file.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Searched for the lost file. Reminded staff about privacy standards and agency policy and procedures to protect client privacy and confidentiality.
Steps taken to notify individuals of the incident	The affected individual was notified by email on April 25, 2019.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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.	The Organization reported “There is potential harm to the client if someone found the file and used the information against the Person”. I accept the Organization’s assessment that a reasonable person would consider that the information at issue could be used to cause harm. In particular, case notes created from support services could be used to cause the harms of hurt, humiliation, and embarrassment. These are significant harms.
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 “If the file was shredded or recycled as we assume, the likelihood of harm is minimal. As we are not certain that this is the case, we cannot fully assess the likelihood of harm”. In my view, a reasonable person would consider that the likelihood of harm is increased as the Organization cannot be certain that the information was shredded or securely destroyed. The file has not been recovered.

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 individual.

A reasonable person would consider that the information at issue could be used to cause harm. In particular, case notes created from support services could be used to cause the harms of hurt, humiliation, and embarrassment. These are significant harms. The likelihood of harm is increased as the Organization cannot be certain that the information was shredded or securely destroyed. The file has not been recovered.

I require the Organization to notify the affected individual in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand affected individual was notified by email on April 25, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner