



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

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| <b>Organization providing notice under section 34.1 of PIPA</b>  | Independent Counselling Enterprises Inc. (Organization)   |
| <b>Decision number (file number)</b>   | P2019-ND-207(File #013670)  |
| <b>Date notice received by OIPC</b>  | August 16, 2019   |
| <b>Date Organization last provided information</b>   | August 16, 2019   |
| <b>Date of decision</b>  | December 20, 2019   |
| <b>Summary of decision</b>   | There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).  |
| <b>JURISDICTION</b>  |   |
| <b>Section 1(1)(i) of PIPA “organization”</b>  | The Organization is an “organization” as defined in section 1(1)(i) of PIPA.  |
| <b>Section 1(1)(k) of PIPA “personal information”</b>  | <p>The incident involved the following information:</p> <ul style="list-style-type: none"><li>• first and last name of client,</li><li>• health information (describing a disorder and medication names/dosages),</li><li>• first and last name of guardian.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p> |
| <b>DESCRIPTION OF INCIDENT</b>   |   |
| <input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure |   |
| <b>Description of incident</b>   | <ul style="list-style-type: none"><li>• On August 13, 2019, a support worker was in possession of a document that contained the information at issue. The document was left in an envelope in the worker's vehicle. The vehicle was subsequently broken into and the envelope and the document were stolen from the vehicle.</li><li>• The incident was discovered the same day.</li></ul>            |

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| <b>Affected individuals</b>   | The incident affected three individuals.   |
| <b>Steps taken to reduce risk of harm to individuals</b>  | <ul style="list-style-type: none"> <li>• Reported the incident to law enforcement.</li> <li>• Reviewing policy and procedure with employees emphasizing the requirement to maintain confidentiality.</li> </ul>  |
| <b>Steps taken to notify individuals of the incident</b>  | The affected individuals were notified by telephone and in person on August 13, 2019.  |
| <b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>   |  |
| <b>Harm</b><br>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>The Organization reported “An unknown person has access to the client’s medical information which could result in humiliation”.</p> <p>In my view, a reasonable person would consider that the medical/health information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment.</p> |
| <b>Real Risk</b><br>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>The Organization reported “There is minimal likelihood that the breach will cause harm”.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the incident was the result of malicious action (theft) and the information has not been recovered.</p>                                |
| <b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>   |  |
| <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. A reasonable person would consider that the medical/health information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. The likelihood of harm resulting from this incident is increased because the incident was the result of malicious action (theft) and the information has not been recovered.</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). I understand the Organization notified the affected individuals by telephone and in person on August 13, 2019. The Organization is not required to notify the affected individuals again.</p> |  |

Jill Clayton  
Information and Privacy Commissioner