



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Lethbridge Community Out of School Association (Organization)
Decision number (file number)	P2020-ND-031 (File #013743)
Date notice received by OIPC	October 21, 2019
Date Organization last provided information	October 21, 2019
Date of decision	March 5, 2020
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 reported that it is incorporated under Alberta’s <i>Societies Act</i>. It therefore qualifies as a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA.</p> <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>In this case, the Organization’s website says it “provides out of school care for children 6 to 12 years old” and indicates that it charges fees for its various programs. To the extent the personal information at issue in this case was collected, used or disclosed in connection with any commercial activities, PIPA applies.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• rate of pay,• performance, and• case files including performance plans, etc.

	This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> • An employee of the Organization was on a short term leave and the Organization was looking for documents stored on the employee’s computer. • The Organization’s HR department accessed the computer to search for the documents, and could see the employee’s recently opened files. The files were confidential and included personal information or individually identifying health information. • The Organization reported the breach occurred between September 3-8, 2019 and was discovered on September 12, 2019.
Affected individuals	The incident affected approximately 45 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Identified all of the affected individuals, giving them information about the potential breach. • Looked into all of security systems, including changing passwords, changing the processes and procedures to reduce the risk of another breach happening again. • Provided advice on how individuals should protect themselves from these effects.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on September 18, 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.	<p>The Organization reported that “The information may cause reputational damage, loss of confidentiality and trust to the organization.”</p> <p>In my view, a reasonable person would consider that the employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, and damage to personal/professional relationships. These are significant harms.</p>
Real Risk The likelihood that the significant harm will result must be more than mere speculation	The Organization reported that “The likelihood that the harm will result is that it could cause undue stress to all individuals involved.”

<p>or conjecture. There must be a cause and effect relationship between the incident and the possible harm.</p>	<p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is increased as the breach resulted from an employee's unauthorized access to personal information of co-workers. Identity theft and fraud are unlikely given the circumstances and considering that the individual who accessed the information is known to the Organization. Nonetheless, given the personal/professional relationships, hurt, humiliation, embarrassment and damage to personal/professional relationships are real risks.</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 employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, and damage to personal/professional relationships. These are significant harms. The likelihood of significant harm resulting from this incident is increased as the breach resulted from an employee's unauthorized access to personal information of co-workers. Identity theft and fraud are unlikely given the circumstances and considering that the individual who accessed the information is known to the Organization. Nonetheless, given the personal/professional relationships, hurt, humiliation, embarrassment and damage to personal/professional relationships are real risks.

I require the Organization to notify the affected individuals whose personal information was collected in Alberta in accordance with section 19.1 of the *Personal Information Protection Act* Regulation (Regulation).

I understand individuals were notified in writing on September 18, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner