



**PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision**

Organization providing notice under section 34.1 of PIPA	Attia Law Group (Organization)
Decision number (file number)	P2020-ND-055 (File #015433)
Date notice received by OIPC	March 10, 2020
Date Organization last provided information	March 10, 2020
Date of decision	May 25, 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”	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 all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• date of birth, and• a police report surrounding a criminal investigation where individuals are listed as co-accused. <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	
Description of incident	<ul style="list-style-type: none">• On March 5, 2020, a lawyer with the Organization lost a binder in the Edmonton Provincial Courthouse.• The binder contained criminal disclosure documentation with respect to four co-accused persons.
Affected individuals	The incident affected four (4) individuals.

<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Will ensure all disclosure documentation is in the lawyer’s possession or locked in the locker at the courthouse. • Will ensure privileged information is in the lawyer’s possession at all times prior to leaving a room. • Notified the Edmonton Public Prosecutions Office.
<p>Steps taken to notify individuals of the incident</p>	<ul style="list-style-type: none"> • One (1) individual was verbally notified on March 6, 2020. • One (1) individual’s counsel was notified of the breach. • One (1) individual has no fixed address and was not notified. • One (1) individual was sent a letter to their last known address.

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 the possible harms that may occur as a result of the breach was “None that I can think of.”</p> <p>In my view, a reasonable person would consider that the contact information (name and address) and identity information (date of birth) could be used to cause the harms of identity theft and fraud. The disclosure information could be used to cause hurt, humiliation or embarrassment, and damage to reputation. These are all 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>The Organization reported that the likelihood that significant harm will result is “Very low.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action, but rather the binder was lost in the courthouse. However, to date, the information has not been recovered and its whereabouts is unknown.</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.

In my view, a reasonable person would consider that the contact information (name and address) and identity information (date of birth) could be used to cause the harms of identity theft and fraud. The disclosure information could be used to cause hurt, humiliation or embarrassment, and damage to reputation. These are all significant harms.

The likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action, but rather the binder was lost in the courthouse. However, to date, the information has not been recovered and its whereabouts is unknown.

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

It appears from the Organization's report of this incident that three of the affected individuals were notified of the incident on or around March 6, 2020; however, the Organization reported that "One [of the affected individuals] is of no fixed address and I have no way of contacting" the individual.

Section 19.1(1) of the Regulation states "Where an organization is required under section 37.1 of the Act to notify an individual to whom there is a real risk of significant harm as a result of a loss of or unauthorized access to or disclosure of personal information, the notification must ...be given directly to the individual". However, pursuant to section 19.1 (2), "...where an organization is required to notify an individual under section 37.1 of the Act, the notification may be given to the individual indirectly if the Commissioner determines that direct notification would be unreasonable in the circumstances."

Given this, and pursuant to section 37.1(2) of PIPA which states "... the Commissioner may require the organization to satisfy any terms or conditions that the Commissioner considers appropriate...", **I require the Organization to report to my office within ten (10) days of the date of this decision, with a submission considering indirect or substitute notice, and why the Organization believes this would or would not be a reasonable option in this case.**

Jill Clayton
Information and Privacy Commissioner