



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Justin Warsylewicz (Organization)
Decision number (file number)	P2020-ND-073 (File # 014966)
Date notice received by OIPC	February 10, 2020
Date Organization last provided information	February 10, 2020
Date of decision	July 16, 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 the 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">• first name,• subjective information from the client,• objective musculoskeletal test results,• treatment plan information. <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	On February 6, 2020, a vehicle belonging to the Organization was broken into and a travel bag was stolen. The bag contained the information at issue. The breach was discovered the same day.
Affected individuals	The incident affected 15 individuals.

Steps taken to reduce risk of harm to individuals	Will ensure personal information in always secured.
Steps taken to notify individuals of the incident	The affected individuals were notified verbally on February 6, 2020.
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 “Some personal information is divulged from this breach, but it is only information that is discernable to those in a health related field as I use specific terminology and abbreviations while making my notes.” In my view, a reasonable person would consider the health information at issue could be used to cause the harms of hurt, humiliation and embarrassment, which 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 “...no harm that can occur as a result of this breach.” In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the breach resulted from malicious action (theft). The Organization did not report recovering the information.
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 the health information at issue could be used to cause the harms of hurt, humiliation and embarrassment, which are significant harms. The likelihood of harm resulting from this incident is increased because the breach resulted from malicious action (theft). The Organization did not report recovering the information.</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 (Regulation)</i>. I understand the affected individuals were notified verbally on February 6, 2020. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner