



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College of Physicians and Surgeons of Alberta (Organization)
Decision number (file number)	P2020-ND-103 (File #014971)
Date notice received by OIPC	February 10, 2020
Date Organization last provided information	February 10, 2020
Date of decision	September 23, 2020
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”	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved the following information: <ul style="list-style-type: none">• individual's relationship to a physician, and• name of that physician. 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 type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On November 1, 2019, a Hearing Tribunal decision was published to the Organization’s website in violation of a publication ban.• The decision included the information at issue. The information was also released to the media.

	<ul style="list-style-type: none"> The breach was discovered on November 14, 2019, when the Organization was advised that it was in violation of the publication ban.
Affected individuals	The incident affected 2 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Removed the decision from the website. Notified media of the extent of the publication ban. Rescinded the Notices of Disciplinary action. Offered the individual counselling services to be administered through a third party. Completed an extensive review and updated Hearing and Publication processes.
Steps taken to notify individuals of the incident	The affected individuals were notified by letter on December 20, 2019 and December 23, 2019.
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 harms that can result from this breach relate to the individual being identified as the victim -- primarily possible further trauma to the victim, humiliation and any security risks related to being identified as a victim.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the information at issue could cause hurt, humiliation and embarrassment. These are significant harms.</p>
<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 risk of harm is high. The Hearing Decision was published to the ...website and then spread further through the media”.</p> <p>In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, the information at issue was available on the Organization’s website for approximately two weeks and the containment process took approximately one month to complete.</p>
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 information at issue could cause hurt, humiliation and embarrassment. These are significant harms. The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, the information at issue was available on the Organization's website for approximately two weeks and the containment process took approximately one month to complete.

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

I understand the Organization notified the affected individuals by letter on December 20, 2019 and December 23, 2019, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner