



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College and Association of Registered Nurses of Alberta (Organization)
Decision number (file number)	P2020-ND-122 (File #013102)
Date notice received by OIPC	April 23, 2019
Date Organization last provided information	April 23, 2019
Date of decision	October 27, 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 <i>the 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 and last name of patient,• location of the incident where the patient received care and reason for the investigation of the member,• name of complainant. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On March 12, 2019, the information at issue was mistakenly disclosed to a member having the same first name as another member.• The Organization’s employee did not confirm the full name of the caller at the beginning of the discussion.• The error was discovered during the employee’s conversation with the member.

Affected individuals	The incident affected two (2) individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Counselling the unintended recipient (member) of the information on the importance of maintaining confidentiality as a professional member of the college. • Counselling the employee on the importance of confirming the identity of callers before proceeding with any discussion or confirming of sensitive information.
Steps taken to notify individuals of the incident	The Organization reported the agent representing the individual whose health information was disclosed, his daughter, and the other individual involved in the breach were notified April 9, 2019 by telephone.
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 “It is unlikely [sic] that any harm would come to the impacted individuals as there was not enough information disclosed to allow another party to misrepresent [sic] themselves as either person or gain access to any further personal information of either individual. The information was disclosed verbally and cannot be reproduced or forwarded on to other parties.” In my view, a reasonable person would consider the information about the complaint could be used to cause the harms of hurt, humiliation, embarrassment or damage to professional reputation.
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 “It is unlikely that harm will result. The member who was the unintended recipient of the information has been counselled on the importance of maintaining confidentiality [sic] as a professional member of the college. The information was disclosed verbally and cannot be reproduced or forwarded on to other parties.” In my view, a reasonable person would consider the likelihood of harm resulting from this incident is decreased because it resulted from human error and not malicious action. However, given the potential for professional relationships between members of the Organization, significant harms such as damage to professional reputation are more likely to result.
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 the information about the complaint could be used to cause the harms of hurt, humiliation, embarrassment or damage to professional reputation. The likelihood of harm resulting from this incident is decreased because it resulted from human error and not malicious action. However, given the potential for professional relationships between members of the Organization, significant harms such as damage to professional reputation are more likely to result.

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

I understand the agent representing the individual whose health information was disclosed, his daughter, and the other individual involved in the breach were notified April 9, 2019 by telephone. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner