



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	ivari (Organization)
<b>Decision number (file number)</b>	P2020-ND-163 (File #016775)
<b>Date notice received by OIPC</b>	March 25, 2020
<b>Date Organization last provided information</b>	November 4, 2020
<b>Date of decision</b>	November 24, 2020
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• driver’s license,</li><li>• date of birth, and</li><li>• answers to medical questions.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The personal information was collected in Alberta.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• A paramedical form that was completed in Alberta was received at the Organization’s Brampton, Ontario office, but the whereabouts of the form is not known.</li></ul>

	<ul style="list-style-type: none"> <li>• A courier package tracking slip confirms delivery to the Brampton office.</li> <li>• The Organization reported the breach occurred on March 3, 2020. A service provider to the Organization advised the Organization of the situation on March 13, 2020.</li> </ul>
<b>Affected individuals</b>	The incident affected 1 resident of Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Notified the individual.</li> <li>• Notified the Office of the Privacy Commissioner of Canada.</li> <li>• Reviewed the matter with the service provider directly.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified of the incident by letter on April 9, 2020.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><b>Harm</b> 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 did not identify any possible harms that might result from this incident.</p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Answers to medical questions could be used for the purposes of causing embarrassment, hurt, or humiliation. These are significant harms.</p>
<p><b>Real Risk</b> 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 “The likelihood of harm is low as [the service provider] operates under a strict code of ethics and privacy conduct”.</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the incident resulted from human error and not malicious intent. However, the cause of the breach and the whereabouts of the information is not known, increasing the risk of significant harm.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
<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 individual.</p> <p>A reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Answers to medical questions could be used for the purposes of causing embarrassment, hurt, or humiliation. These are significant harms.</p>	

The likelihood of harm resulting from this incident is decreased because the incident resulted from human error and not malicious intent. However, the cause of the breach and the whereabouts of the information is not known, increasing the risk of significant harm.

The Organization is required to notify the affected individual pursuant to section 37.1 of PIPA.

I understand the Organization notified the affected individual in writing on April 9, 2020. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner