



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Special Olympics Alberta Association (Organization)
Decision number (file number)	P2020-ND-164 (File #016811)
Date notice received by OIPC	March 3, 2020
Date Organization last provided information	October 28, 2020
Date of decision	November 24, 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”	<p>The Organization is incorporated under Alberta’s <i>Societies Act</i> and is a “non-profit” organization as defined in section 56(1) of PIPA.</p> <p>Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>The Organization collects program fees to help offset the cost of facilities, and tournament fees. These are commercial activities.</p> <p>To the extent the information at issue was collected in connection with these commercial activities, PIPA applies.</p>
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,• date of birth,• email address,• telephone number,• medications,• health history, and• personal health care number.

	This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
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 December 27, 2019, a volunteer with the Organization noticed that someone had rifled through her car and trunk. In her trunk, there was a binder containing information about Lethbridge five-pin bowling athletes. The binder has not been recovered to date.
Affected individuals	The incident affected 96 individuals residing in Alberta
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Notified athletes, caregivers and/or guardians about the incident and advised them to check credit scores frequently. Notified Lethbridge Police Service on February 10, 2020.
Steps taken to notify individuals of the incident	Affected individuals were notified by email and/or telephone on February 23, 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.	<p>The Organization reported “Our main concern is that this information could be used to steal an individuals [sic] identity”.</p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the significant harms of identity theft and fraud. Email addresses could be used for phishing, increasing vulnerability to identity theft and fraud. Medical information could be used to cause humiliation and embarrassment. These are all significant harms.</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>The Organization reported “I don't think there is anyway [sic] to assess the likelihood of harm resulting.”</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because it resulted from malicious intent (theft) and the documents have not been recovered. The Organization can only speculate as to the thief’s motive.</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 contact and identity information at issue could be used to cause the significant harms of identity theft and fraud. Email addresses could be used for phishing, increasing vulnerability to identity theft and fraud. Medical information could be used to cause humiliation and embarrassment. These are all significant harms.

The likelihood of harm resulting from this incident is increased because it resulted from malicious intent (theft) and the documents have not been recovered. The Organization can only speculate as to the thief's motive.

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 Organization notified affected individuals by telephone and/or email on February 23, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner