



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Association of Professional Engineers and Geoscientists of Alberta (Organization)
Decision number (file number)	P2021-ND-013 (File #016447)
Date notice received by OIPC	September 24, 2019
Date Organization last provided information	September 24, 2019
Date of decision	February 16, 2021
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 all or some of the following information:</p> <ul style="list-style-type: none">• name,• email address, and• member ID. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p> <p>Some of the information appears to qualify as “business contact information” which is defined in section 1(1)(a) of PIPA to mean “an individual’s name, position name or title, business telephone number, business address, business email address, business fax number and other similar business information.”</p> <p>Section 4(1)(d) of PIPA says that the Act does not apply to the collection, use and disclosure of business contact information “for the purposes of enabling the individual to be contacted in relation to the individual’s business responsibilities and for no other purpose.”</p>

	<p>In this case, I considered that the possible unauthorized disclosure of the information was not “for the purposes of enabling the individual to be contacted in relation to the individual’s business responsibilities and for no other purpose.” As a result, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<p><input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure</p>	
<p>Description of incident</p>	<ul style="list-style-type: none"> • On September 23, 2019, the Organization sent reminder notices on overdue continuing professional development submissions. The full list of member names, emails and member IDs of the 77 members receiving the notice were inadvertently included in the email. • The breach was discovered the same day.
<p>Affected individuals</p>	<p>The incident affected 77 individuals in Alberta.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Attempted to recall emails after the error was discovered. However, the Organization cannot assess the effectiveness of the recall due to technology limitations. • Looking at automating the process to eliminate the need for manual processing. • Investigating to discover root cause.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by email on September 23, 2019.</p>
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,</p> <p style="text-align: center;"><i>These individuals are being reminded that they have not completed their submission of continuing professional development hours which could be considered a personal reputation harm.</i></p> <p>I accept the Organization’s assessment. A reasonable person would consider that the professional status information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. Email address could be used for phishing purposes.</p>

<p>Real Risk</p> <p>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,</p> <p style="text-align: center;"><i>Most significant issue is if the individuals [sic] know each other or work together.</i></p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the risk is increased given the nature of the information at issue, the number of unauthorized recipients, and the potential for personal or professional relationships between the recipients and affected individuals. The Organization cannot confirm the effectiveness of the email recall.</p>
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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 affected individuals.

A reasonable person would consider that the professional status information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. Email address could be used for phishing purposes. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the risk is increased given the nature of the information at issue, the number of unauthorized recipients, and the potential for personal or professional relationships between the recipients and affected individuals. The Organization cannot confirm the effectiveness of the email recall.

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 email on September 23, 2019, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner