



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Edmonton Humane Society (Organization)
Decision number (file number)	P2021-ND-053 (File #013239)
Date notice received by OIPC	September 12, 2019
Date Organization last provided information	September 24, 2019
Date of decision	March 2, 2021
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”	<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>“Non-profit organization” is defined in section 56(1) to mean an organization “that is incorporated under the <i>Societies Act</i> or the <i>Agricultural Societies Act</i> or that is registered under Part 9 of the <i>Companies Act</i>.”</p> <p>In this case, the Organization is a registered non-profit organization under the Societies Act. The Organization operates an animal shelter and provides community programs and services related to animal welfare. The Organization reported the “personal information related to this breach was gathered from low income applicants in order to assess eligibility for a subsidized or free veterinary services program”. In my view, this is information collected in connection with a commercial activity and therefore PIPA applies.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"> • name, • telephone number, • fact that individual was receiving AISH benefits, • license plate, • hotel address, and • room number. <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<p>DESCRIPTION OF INCIDENT</p>	
<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 1, 2019, the information at issue was mistakenly published on the Organization’s website as the profile photo for a dog. • The same day, two members of the public notified the Organization about the error. • The personal information was displayed for about an hour and 20 minutes before it was taken down by the Organization.
<p>Affected individuals</p>	<p>The incident affected one (1) individual.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Removed the information promptly upon discovery. • Notified the individual of the incident. • Coached and reminded staff to be cautious about storing scanned information appropriately.
<p>Steps taken to notify individuals of the incident</p>	<p>The affected individual was notified verbally on September 2, 2019.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 that “This person's telephone number was made public, so they could receive unwanted phone calls. The individual may be embarrassed [sic] by her income source being made public. A stranger may have shown up at the hotel where they were staying.”</p> <p>In my view, a reasonable person would consider that the contact information at issue could be used to make unsolicited telephone calls or visitation. The contact information along with the financial (AISH) information at issue could be used to cause the significant harms of hurt, humiliation, and embarrassment.</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 that it "...believes the likelihood that harm will result is small because the information was only displayed for just over an hour and was removed immediately upon discovery." The Organization also reported that the individual is no longer at the hotel address.</p> <p>In my view, a reasonable person would consider the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, the Organization did not confirm the information was not copied or forwarded to other parties. Further, the Organization did not provide information as to whether anyone else viewed the posting other than the two members of the public who notified the Organization of the breach. The information was online for over an hour.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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 information at issue could be used to make unsolicited telephone calls or visitation. The contact information along with the financial (AISH) information at issue could be used to cause the significant harms of hurt, humiliation, and embarrassment.</p> <p>The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, the Organization did not confirm the information was not copied or forwarded to other parties. Further, the Organization did not provide information as to whether anyone else viewed the posting other than the two members of the public who notified the Organization of the breach. The information was online for over an hour.</p> <p>I require the Organization to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the affected individual verbally on September 2, 2019 in accordance with the Regulation. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner