



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Marchand Psychological Services (Organization)
Decision number (file number)	P2021-ND-059 (File #018395)
Date notice received by OIPC	November 27, 2020
Date Organization last provided information	December 6, 2020
Date of decision	March 9, 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">• first and last name,• date,• session notes (brief summary). <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 checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On November 23, 2020, the Organization discovered its office was broken into and entered by an unknown thief.• In order to preserve evidence nothing was touched around the desk area until November 24, 2020, at which time it was discovered that some session notes were missing.
Affected individuals	The incident affected eleven (11) individuals.

<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Notified affected individuals. • Installed an office alarm. • Will file notes immediately and in a locked filing cabinet.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified directly by telephone and/or in person between November 24, 2020 and December 4, 2020.</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 “The possible harm would be embarrassment that they are seeing a psychologist and possibly increased anxiety about accessing therapy.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the medical information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment, as well as anxiety.</p>
<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>	<p>The Organization reported:</p> <p><i>There is limited harm as the notes were brief, handwritten only have the name as identification [sic]. It was only the last session notes that were stolen and not the entire files. Those who entered my office were interested in items of value, as they stole money, POS machine, business cheques and business credit card, fireplace, toys and just took everything in and on my desk.</i></p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in and theft). Although the Organization reported that “It was only the last session notes that were stolen and not the entire files. Those who entered my office were interested in items of value, as they stole money...”, I do not find this to be reassuring. The Organization can only speculate as to the motives of the thief. As well, the documents have not been recovered.</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 medical information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment, as well as anxiety. The likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in and theft).</p>	

Although the Organization reported that “It was only the last session notes that were stolen and not the entire files. Those who entered my office were interested in items of value, as they stole money...”, I do not find this to be reassuring. The Organization can only speculate as to the motives of the thief. As well, the documents have not been recovered.

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 affected individuals were notified directly by telephone or in-person between November 24, 2020 and December 4, 2020. The Organization is not required to notify the individuals again.

Jill Clayton
Information and Privacy Commissioner