



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College and Association of Registered Nurses of Alberta (Organization)
Decision number (file number)	P2021-ND-085 (File #012578)
Date notice received by OIPC	March 22, 2019
Date Organization last provided information	March 22, 2019
Date of decision	March 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 <i>the 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 qualifies as a “non-profit organization” as defined in section 56(1).</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>In this case, the Organization reported it is “...a health professional regulator who is mandated to ensure all Alberta RNs and NPs provide safe, competent and ethical nursing care. The work we conduct requires us to collect personal information about our members to confirm and maintain their practice permit.”</p> <p>In my view, this is information collected in connection with a commercial activity and therefore PIPA applies.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The incident may have involved the following information:</p> <ul style="list-style-type: none">• first and last name,• home address,• details regarding the status of any investigations or conduct steps.

	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"> • Two employees stored documentation intended for shredding in bins that were marked "for shredding" which were mistaken for recycling by the building custodian. • On January 29, 2019, the building custodian disposed of the documentation in the building's outside recycling bin, which is not secured. • Each bin contained approximately 20-30 pages. The contents of the documentation was not inventoried but is believed to be draft correspondence that may have included personally identifying Information. • The breach was discovered on January 30, 2019 when staff members noticed their shredding bin was missing when they came to work the following day and notified the facilities manager.
Affected individuals	The incident affected 4 individuals.
Steps taken to reduce risk of harm to individuals	Advised staff members not to retain documentation intended for shredding at their desks and to use one of the many shredding bins placed around the office to immediately dispose of sensitive documentation.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone on March 8, 2019.
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.	The Organization reported “Information regarding member's home addresses and some details regarding the status of any investigations or conduct steps may have been breached. This could result in damage to the reputation of the individual.” I agree with the Organization’s assessment. A reasonable person would consider the information at issue could be used to cause the significant harms of hurt, humiliation, embarrassment or damage to professional reputation.

<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 “We have contacted the vendor who is responsible for emptying the external recycling bins to confirm how the contents is [sic]processed upon pick up. The recycling is taken to a plant where it is sorted and paper is then bailed [sic] and sent to a pulp mill for processing.”</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is decreased because it resulted from human error and not malicious action. However, the personal information was placed in an unsecured, public location and was not shredded as intended. The Organization cannot confirm it was not accessed or stolen.</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 the affected individuals.

A reasonable person would consider the information at issue could be used to cause the significant harms of hurt, humiliation, embarrassment or damage to professional reputation. The likelihood of harm resulting from this incident is decreased because it resulted from human error and not malicious action. However, the personal information was placed in an unsecured, public location and was not shredded as intended. The Organization cannot confirm it was not accessed or stolen.

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 affected individuals were notified by telephone on March 8, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner