



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Carscallen LLP (Organization)
Decision number (file number)	P2021-ND-096 (File #012120)
Date notice received by OIPC	February 22, 2019
Date Organization last provided information	February 22, 2019
Date of decision	March 30, 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”	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 the following information:</p> <ul style="list-style-type: none">• name• Alberta Health Care number,• list of physicians seen between July 1, 2009 and December 10, 2016, and• Alberta Health Care service codes for those dates. <p>This information is about an identifiable individual 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 January 29, 2019, a Statement of Benefits Paid was lost while being transported from a home office to the Organization’s office.• The breach was discovered the same day when the document could not be located.

Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Affected individual will consider cancelling PHN. • Will take greater care to transport documents securely.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone on February 1, 2019.
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 the possible harm that might result from the incident as follows:</p> <p style="text-align: center;"><i>Knowledge by a third party of the physicians the Plaintiff saw on the dates listed on the Statement of Benefits Paid for the service codes described on the Statement of Benefits Paid.</i></p> <p>In my view a reasonable person would consider the identity and health information at issue could be used to cause the significant harms of identity theft and fraud, as well as hurt, humiliation and embarrassment.</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 “Harm is dependent on whether the Statement of Benefits Paid was found by a third party, which is unknown”.</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action. However, the information is lost and has not been recovered.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 the identity and health information at issue could be used to cause the significant harms of identity theft and fraud, as well as hurt, humiliation and embarrassment. The likelihood of harm resulting from this incident is decreased because the breach did not result from malicious action. However, the information is lost and has not been recovered.</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>	

I understand the affected individual was notified by telephone on February 1, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner