



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	The Association canadienne-française de L'Alberta (ACFA) (the Organization)
<b>Decision number (file number)</b>	P2021-ND-184 (File #017642)
<b>Date notice received by OIPC</b>	December 23, 2019
<b>Date Organization last provided information</b>	July 19, 2020
<b>Date of decision</b>	October 12, 2021
<b>Summary of decision</b>	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual whose personal information was collected in Alberta, pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA "organization"</b>	The Organization is an "organization" as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA "personal information"</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• former employee's title, and</li><li>• information regarding bonus payments made to the individual between 2005 and 2014.</li></ul> <p>The Organization reported that the name of the former employee was not involved.</p> <p>This information is about an identifiable individual and is "personal information" as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p><b>Description of incident</b></p>	<ul style="list-style-type: none"> <li>• Le Journal Franco-Albertain Ltee. (Le Franco) is a corporation incorporated under the <i>Business Corporations Act</i>. The Organization took over the administration of Le Franco pursuant to a Unanimous Shareholders Agreement. As a result, the powers of the present Members of the Board of Le Franco were suspended.</li> <li>• The Organization became aware that a former Board Member of Le Franco posted personal information on his personal Facebook account that may contain personal information of a former employee of Le Franco.</li> <li>• The Organization forwarded a cease and desist letter to the former Board Member and, on January 6, 2020, requested that any documentation the former Board Member had in his possession be provided to the Organization.</li> <li>• The documentation was provided to the Organization on January 9, 2020. The Organization reviewed and confirmed the information at issue was deleted from the Facebook account.</li> <li>• The Organization reported that it is “not is not aware of any further personal information being distributed by (the former Board Member]”.</li> </ul>
<p><b>Affected individuals</b></p>	<p>The incident affected one (1) individual.</p>
<p><b>Steps taken to reduce risk of harm to individuals</b></p>	<ul style="list-style-type: none"> <li>• Requested the return of documentation, and received same.</li> <li>• Sent a cease and desist letter.</li> <li>• Requested the information be deleted from the Facebook account.</li> </ul>
<p><b>Steps taken to notify individuals of the incident</b></p>	<p>The affected individual was notified verbally of the incident and the steps taken by the Organization. The Organization reported that the “affected individual was the one who initially alerted [the Organization] of the information on the Facebook account.”</p>
<p><b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b></p>	
<p><b>Harm</b> 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 did not provide an assessment of the type of harm(s) that could result from this incident.</p> <p>In my view, a reasonable person would consider that the individual’s title and financial information could be used to cause the potentially significant harms of hurt, humiliation and embarrassment, and damage to employment and/or professional relationships.</p>

<p><b>Real Risk</b></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 did not specifically provide its assessment of the likelihood that significant harm would result from this incident.</p> <p>In my view, a reasonable person would consider that the likelihood of harm is increased because the information at issue was exposed on the former Board Member’s Facebook account. Although the Organization requested the information be deleted and any documentation be returned, these factors do not mitigate the type of harm that might result from this breach (hurt, humiliation and embarrassment, as well as harm to the employment relationship) and the professional relationship between the affected individual and the former Board Member exacerbates the potential harm.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></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 individual’s title and financial information could be used to cause the potentially significant harms of hurt, humiliation and embarrassment, and damage to employment and/or professional relationships. The likelihood of harm is increased because the information at issue was exposed on the former Board Member’s Facebook account. Although the Organization requested the information be deleted and any documentation be returned, these factors do not mitigate the type of harm that might result from this breach (hurt, humiliation and embarrassment, as well as harm to the employment relationship) and the professional relationship between the affected individual and the former Board Member exacerbates the potential harm.</p> <p>The Organization is required to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation). I understand that the affected individual was the one who initially reported the incident to the Organization, and that the individual was notified verbally of the incident. The Organization is not required to notify the affected individual again.</p>	



Jill Clayton  
Information and Privacy Commissioner