



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Southport Psychology Inc. (Organization)
Decision number (file number)	P2021-ND-207 (File #017786)
Date notice received by OIPC	June 8, 2020
Date Organization last provided information	June 8, 2020
Date of decision	October 18, 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 whose personal information was collected in Alberta, 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">• name,• address,• telephone number,• credit card number (incorrect),• psychological health,• presenting issue for treatment, and• goal for treatment. <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>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> • On May 27, 2020 and June 1, 2020, the Organization mistakenly sent a completed intake package to two unintended recipients, instead of a blank form. • On June 1, 2020 and June 2, 2020, the unintended recipients notified the Organization of the error. • The Organization asked the unintended recipients to delete all records received in error.
<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"> • Asked unintended recipients to delete all record received in error. • Conducted an audit of all intake forms sent during the time period of May 25 through to June to determine if anyone else received someone else's personal information. • Spoke to and advised the affected individual to pay attention to her credit card statements. • Sent an apology letter in an effort to acknowledge responsibility, express remorse and be transparent about steps taken to tighten our protection of personal information. • Notified the College of Alberta Psychologists and obtained guidance. • Moved forms to a practice management system. • Will no longer be attaching intake packages to emails sent to individual clients. • Committed to viewing all attachments prior to sending out emails to ensure they are the correct attachment for the specific person being emailed.
<p>Steps taken to notify individuals of the incident</p>	<p>The affected individual was notified verbally and by letter on June 5, 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,</p> <p><i>Credit card information may be used illegally, persons who received the private information may know the person whose information was breached and/or use the information maliciously. Information breach may negatively impact person A's therapeutic relationship with (the psychologist).</i></p> <p>In my view, a reasonable person would consider that the contact and medical information 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 the likelihood that significant harm will result is:</p> <p><i>Unlikely; Person B is well known to practitioner...person C (sic) communication with (the psychologist)... understands the gravity of the situation. In addition, at the time of this report, Person A indicated she would like to continue to engage in treatment with (the psychologist).</i></p> <p>In my view, a reasonable person would consider there is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. Although the Organization requested that the information be deleted, it is not clear whether the Organization confirmed with the unintended recipients that the information was deleted or destroyed and not used or distributed further.</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 individual.

A reasonable person would consider that the contact and medical information could be used to cause the significant harms of hurt, humiliation and embarrassment. There is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. Although the Organization requested that the information be deleted, it is not clear whether the Organization confirmed with the unintended recipients that the information was deleted or destroyed and not used or distributed further.

I require the Organization to notify the affected individual whose personal information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified the affected individual verbally and by letter on June 5, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner