



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

<b>Organization providing notice under section 34.1 of PIPA</b>	College of Physicians & Surgeons of Alberta (Organization)
<b>Decision number (file number)</b>	P2021-ND-273 (File #017203)
<b>Date notice received by OIPC</b>	April 30, 2020
<b>Date Organization last provided information</b>	June 1, 2021
<b>Date of decision</b>	February 14, 2022
<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 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>	The incident involved all or some of the following information: <ul style="list-style-type: none"><li>• name, and</li><li>• employment information (full time equivalent (FTE) status).</li></ul> This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On April 23, 2020, a team member with the Organization contacted the Registrar of another professional college requesting a telephone conversation regarding an employee of the Organization.</li><li>• The team member disclosed the FTE status of the employee, without their knowledge or consent.</li><li>• The other professional college did not provide information regarding the employee, but suggested communicating with the employee directly.</li></ul>

	<ul style="list-style-type: none"> <li>On April 24, 2020, the employee contacted the team member to request that, in future, the team member communicate with them directly regarding their work schedule. It is presumed the professional college advised the employee of the disclosure of the information.</li> <li>The team member reported the privacy breach to the Organization’s Privacy Officer on April 24, 2020.</li> </ul>
<b>Affected individuals</b>	The incident affected one (1) individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Spoke with the affected individual to discuss the breach and apologize.</li> <li>Provided apology letters to both the affected individual and the other professional college.</li> <li>Spoke with the team member to ensure they understand the seriousness of the breach and to help them recognize this type of breach, before it occurs.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified verbally and by letter on April 30, 2020.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><b>Harm</b></p> <p>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>Risk is to the reputation of the... employee. By contacting a possible future employer regarding employment discussions and sharing the individual's current employment contract (time) details could bring into question the individual's honest [sic] and integrity. This could result in not being considered/selected to a position that would normally be available to the individual [sic], and potential financial loss. The position applied for requires an individual with the highest integrity and honesty.</i></p> <p>I accept the Organization’s assessment that a reasonable person would consider that the employment information at issue could be used to cause the significant harms of humiliation and embarrassment, as well as damage to reputation.</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 reported,</p> <p><i>There is no reason to believe the breach went beyond the recipient. However, it is not possible to know for sure whether others at (the health profession college) were informed, or not, of the information (i.e. staff within HR). Therefore, the likelihood that harm will result is considered high.</i></p> <p>I accept the Organization’s assessment. A reasonable person would consider that there is a real risk of significant harm in this case, despite the fact the incident did not result from malicious</p>

	intent. The Organization does not know how widely the information at issue was disseminated, or whether it was or will be used to cause harm.
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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 employment information at issue could be used to cause the significant harms of humiliation and embarrassment, as well as damage to reputation. There is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. The Organization does not know how widely the information at issue was disseminated, or whether it was or will be used to cause harm.

I require the Organization to notify the affected individual, 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 April 30, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner