



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Sunshine Village Corp. (Organization)
Decision number (file number)	P2021-ND-285 (File #013810)
Date notice received by OIPC	May 24, 2019
Date Organization last provided information	May 24, 2019
Date of decision	February 22, 2022
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 operates in Alberta and 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,• age,• telephone number, and• address. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• Two individuals were involved in an on-mountain snowboarding collision in December 2018.• In April 2019, one party involved in the collision contacted the Organization to request contact information of the other party. The Organization provided the information, mistakenly believing it had consent to disclose the information.

	<ul style="list-style-type: none"> The breach was discovered when the subject of the information contacted the Organization to inquire how the other party had obtained access to his contact information.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	Reinforced protocols with staff to remind them that parties must be asked to sign a consent form, and no information is to be exchanged or shared without consent.
Steps taken to notify individuals of the incident	The affected individual was notified by email on April 12, 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 the possible harm that might result from this incident as “Hittee contacts hittor to obtain compensation for injuries suffered as a result of on-hill snowboarding incident”. I accept the Organization’s assessment. A reasonable person would consider that, in the circumstances, the contact information could be used to cause the potentially significant harms of unwanted contact and legal proceedings.
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.	The Organization reported the likelihood that significant harm will result is: <i>Contact from the hittee to the hittor to obtain compensation is likely. The hittee has contacted our organization multiple times seeking recourse. We do not provide compensation or insurance to individuals when they are involved in a person to person collision.</i> I accept the Organization’s assessment that 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. The Organization reported the “hittee has contacted our organization multiple times seeking recourse”.
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, in the circumstances, the contact information could be used to cause the potentially significant harms of unwanted contact and legal proceedings. Although the incident did not result from malicious intent, the Organization reported the “hittee has contacted our organization multiple times seeking recourse”.	

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 by email on April 12, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner