



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	The King's University (Organization)
Decision number (file number)	P2021-ND-326 (File #022557)
Date notice received by OIPC	May 27, 2021
Date Organization last provided information	May 27, 2021
Date of decision	March 9, 2022
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals 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,• email address,• treatment information, and• medical information. <p>This information is about identifiable individuals 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">• On March 16, 2021, a member of the Organization's IT Department attended the Counselling Services office to fix a malfunctioning printer.• Seven documents in the printing queue were accidentally sent to the public access printer.• The breach was discovered on March 19, 2021, when a student discovered the documents on a public access printer and turned them in to the Registrar's Office.

Affected individuals	The incident affected three individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Affected individuals were made aware of their option to make a complaint and given the opportunity to discuss any concerns with their therapist, and/or lead psychologist, and/or the Dean of Students. • The printer in the Counselling Service office is now the only location where client information can be printed. • A service request has been submitted to IT to limit the ability of Counselling Services computers to only print to three designated printers, and ensure that “student-access” printer locations are no longer available.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone between March 23-25, 2021.
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:</p> <p><i>Individuals may be less likely to access psychological therapy due to a possible loss of trust of campus counselling services or the profession. The affected individual may experience a sense of violation knowing private information was in an area of public access. Other users of the printer, who may have seen information regarding the affected individuals, may not keep such information confidential and further invade privacy through disclosure to others that these individuals attend counselling or disclosure regarding information on the documents. Knowledge of the breach in the campus community may damage the community's perspective regarding the safety of personal information disclosed to counsellors on campus.</i></p> <p>In my view, a reasonable person would consider the contact and medical information (the fact individuals were receiving psychological counselling) could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation or relationships. These are significant harms.</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:</p> <p><i>Two of the individuals who had information involved in the breach reported that they were not concerned and identified they felt the university was responding appropriately. The third individual did appear impacted by a decreased willingness to continue in counselling therapy, thus possibly some emotional harm. She was offered options available to her including using another therapist, making a complaint, or receiving support from the Dean of Students. While this result is taken seriously, there have been no other indications of further harm to this individual and further intervention may appear a further intrusion. There have also been no reports or indications that other individuals on campus did access the available information, other than the student who discovered the breach.</i></p> <p>In my view, a reasonable person would consider that there is a real risk of significant harm resulting from this incident. Despite the fact that the breach was the result of human error and not malicious intent, the likelihood of hurt, humiliation, embarrassment and damage to reputation or relationships is increased, due to possible personal relationships and the length of time that the documents were left unattended on the public printer. This increases the likelihood that significant harm may result.</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 individuals.

A reasonable person would consider the contact and medical information (the fact individuals were receiving psychological counselling) could be used to cause the harms of hurt, humiliation, embarrassment and damage to reputation or relationships. These are significant harms.

Despite the fact that the breach was the result of human error and not malicious intent, the likelihood of hurt, humiliation, embarrassment and damage to reputation or relationships is increased, due to possible personal relationships and the length of time that the documents were left unattended on the public printer. This increases the likelihood that significant harm may result.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified affected individuals in telephone calls between March 23-25, 2021, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner