



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Grandin After School Care Program (Organization)
Decision number (file number)	P2022-ND-025 (File #022517)
Date notice received by OIPC	May 14, 2021
Date Organization last provided information	March 17, 2022
Date of decision	May 2, 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"	<p>The Organization reported that it is incorporated under Alberta's <i>Societies Act</i> and therefore is a "non-profit organization" as defined in section 56(1)(b)(i) of PIPA.</p> <p>Pursuant to section 56(2), PIPA "does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization", except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>In this case, the Organization's reported, "<i>It's a Non profit Organization and provide Before and After child car from Kindergarten [sic] till [sic] Grade 6.</i>"</p> <p>In my view, the Organization is engaging in commercial activities.</p> <p>To the extent the personal information at issue in this matter was collected, used and disclosed by the Organization in connection with these activities, PIPA applies.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"> • child name, • who child lives with, • date of birth, • allergies • medication, • immunizations up to date, • family doctor, • family doctor’s phone number, • preferred hospital, • Alberta health care number, • mother and father details (work phone number, cell phone number, home phone number, home address, email address) • emergency contact person (home phone number, cell phone number work phone number, relationship to child), • drop off time, and • pick up time. <p>The above is information about identifiable individuals 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>
<p>DESCRIPTION OF INCIDENT</p>	
<p><input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure</p>	
<p>Description of incident</p>	<ul style="list-style-type: none"> • On May 5, 2021, the Organization suspected that it experienced a break-in. • A staff member with the Organization discovered a room’s Emergency Back Pack, which includes family contact cards, was missing and the room’s window was left open. • The Organization reported that the backpack was not recovered.
<p>Affected individuals</p>	<p>The incident affected 42 individuals.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Secured all windows. • Working with the leasing office to put more security in place.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by email on May 8, 2021.</p>

REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<p>Harm Some damage or detriment or injury that could be caused to the 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>In its Privacy Breach Report to my office, the Organization reported that the possible harms were “<i>Already mentioned previously,</i>” although the harms that could result were not evident in the Organization’s Privacy Breach Report.</p> <p>In my view, the contact and identity information could be used for the purposes of identity theft and fraud. Email addresses could be used for the purposes of phishing, increasing the affected individuals’ vulnerability to identity theft and fraud. Further, medical information could be used to cause harm in the form of embarrassment, hurt or humiliation. These are all significant harms.</p>
<p>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.</p>	<p>The Organization reported the “<i>Personnal [sic] information (see above for details) can be use [sic] for further fraud.</i>”</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the backpack containing the personal information was lost or may have been stolen. The backpack has not been recovered. A number of the affected individuals are children. This is a vulnerable population.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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>In my view, the contact and identity information could be used for the purposes of identity theft and fraud. Email addresses could be used for the purposes of phishing, increasing the affected individuals’ vulnerability to identity theft and fraud. Further, medical information could be used to cause harm in the form of embarrassment, hurt or humiliation. These are all significant harms.</p> <p>The likelihood of harm resulting from this incident is increased because the backpack containing the personal information was lost or may have been stolen. The backpack has not been recovered. A number of the affected individuals are children. This is a vulnerable population.</p> <p>I require the Organization to notify the affected individuals in Alberta in accordance with section 19.1 of the Personal Information Protection Act Regulation (Regulation).</p> <p>I understand the Organization notified the affected individuals by email on May 8, 2021, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance