



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

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| Organization providing notice under section 34.1 of PIPA | Enviros Wilderness School Association (Organization) |
| Decision number (file number) | P2022-ND-051 (File #022135) |
| Date notice received by OIPC | July 8, 2021 |
| Date Organization last provided information | July 8, 2021 |
| Date of decision | October 11, 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 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” | <p>The Organization assesses for Fetal Alcohol Spectrum Disorder (FASD) when individuals are accessing its services.</p> <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>To the extent the personal information at issue was collected in connection with any commercial activities of the Organization, PIPA applies.</p> |
| 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,• date of birth,• personal health number, and• medical exam results. |

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| | This information is about 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. |
| 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"> • Multiple assessments and reports are pulled together to develop a final "written report" from the Organization’s Neurodevelopmental Assessment and Diagnostic Centre. • On July 5, 2021, an employee with the Organization pulled together the report for Patient K and accidentally included the medical report for Patient E. • An employee with the Organization’s Intervention Services who was supporting Patient K 's family (and who was also included in the email) contacted the clinic to notify them that the assessment sent to Patient K's guardian and herself, had some of Patient E's information in it. • The Organization contacted Patient K's guardian (the unintended recipient) and asked them to delete the document and remove it from their computer’s recycling bin. • The unintended recipient opened the file but did not notice that the medical assessment was someone else's. |
| Affected individuals | The incident affected one (1) individual. |
| Steps taken to reduce risk of harm to individuals | <ul style="list-style-type: none"> • Notified the affected individual’s legal guardian and apologized to them for the error. • Asked the employee who supports Patient K to delete the document and await the accurate version. • Implemented a practice of a second person checking reports before they go out to ensure accuracy. This step has been moved to the end process so that reports are reviewed by the program manager for final edit when they are complete. |
| Steps taken to notify individuals of the incident | The affected individual was notified by phone call on July 9, 2021. |
| 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, <i>Limited harm - Exposure of medical information. Patient who received the information is very amenable to deleting the report and removing it from her recycling bin. Team feels confident that the informtion (sic) will not be kept, used or shared.</i> In my view, a reasonable person would consider that the name and identity information could be used for the significant harms |

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| | identity theft and fraud. The medical information at issue could be used to cause the potentially significant harms of hurt, humiliation and embarrassment. |
| <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 that there is “Limited/no harm”.</p> <p>In my view, a reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the unintended recipient agreed to destroy the information. However, these factors do not mitigate the type of harm that might result from this breach (hurt, humiliation and embarrassment).</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>The name and identity information could be used for the significant harms identity theft and fraud. The medical information at issue could be used to cause the potentially significant harms of hurt, humiliation and embarrassment.</p> <p>The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error and the unintended recipient agreed to destroy the information. However, these factors do not mitigate the type of harm that might result from this breach (hurt, humiliation and embarrassment).</p> <p>I require the Organization to notify the affected individual whose personal information was collected in Alberta, in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified affected individual by phone call on July 9, 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