



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Association Pre-Maternelle "Les Bouts d'Choux" (Organization)
Decision number (file number)	P2022-ND-066 (File #023013)
Date notice received by OIPC	September 3, 2021
Date Organization last provided information	June 2, 2022
Date of decision	December 23, 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 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 is incorporated under the <i>Business Corporations Act</i>, Section 213.</p> <p>The Organization is an "organization" as defined in section 1(1)(i) of PIPA.</p>
Section 1(1)(k) of PIPA "personal information"	<p>The incident involved the following information:</p> <p><u>On the emergency card:</u></p> <ul style="list-style-type: none">• name of the child,• home address,• phone number,• parent's name,• parent's phone number,• date of birth,• Alberta health card number, and• the emergency contact information. <p><u>On the password protected computer:</u></p> <ul style="list-style-type: none">• name,• address,• phone number,• date of birth,

	<ul style="list-style-type: none"> • Alberta health card number, • emergency information, • password, • billing information, and • finances. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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DESCRIPTION OF INCIDENT

<input checked="" type="checkbox"/> loss	<input type="checkbox"/> unauthorized access	<input type="checkbox"/> unauthorized disclosure
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Description of incident	<ul style="list-style-type: none"> • On August 27th, 2021, the Organization’s preschool facility was broken into. • A password protected computer and an emergency backpack were stolen.
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Affected individuals	The incident affected 4-5 families.
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Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Notified the police. • Notified its insurance company. • Create a plan where its meets its licensing requirements but also prevent an occurrence of theft. Possible ideas include limiting the information on emergency cards if possible, and locking up the backpack in the evening after class. • Ensuring password protection on laptops moving forward.
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Steps taken to notify individuals of the incident	Affected individuals were notified by phone and by email on September 2, 2021.
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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.	<p>The Organization reported,</p> <p style="text-align: center;"><i>Using information, the thieves (sic) are able to use this information to obtain credit cards, access to residences, and other identity theft possibilities (sic).</i></p> <p>In my view, a reasonable person would consider the contact, identity, financial, and emergency contact information at issue could be used to cause the harms of identity theft and fraud, as well as embarrassment, hurt or humiliation. These are significant harms.</p>
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Real Risk The likelihood that the significant harm will result must	The Organization reported,
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<p>be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.</p>	<p><i>I am not sure that the goal was to breach confidentiality. It appears to me that the thieves grabbed the back pack to aid their theft of the computer; however, I don't want to take any chances should my families be at risk.</i></p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (theft). Further, the affected individuals are a vulnerable population (children) and the information has not been recovered.</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.

Contact, identity, financial, and emergency contact information at issue could be used to cause the harms of identity theft and fraud, as well as embarrassment, hurt or humiliation. These are significant harms. The likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (theft). Further, the affected individuals are a vulnerable population (children) and the information has not been recovered.

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).

I understand the Organization notified affected individuals by phone and by email on September 2, 2021 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

On a go forward, the Organization should consider encryption protection on laptops instead of password protection.

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance