



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Polish Bilingual Program Parent Advisory Society (Organization)
Decision number (file number)	P2022-ND-069 (File #023147)
Date notice received by OIPC	July 7, 2021
Date Organization last provided information	July 7, 2021
Date of decision	December 23, 2022
Summary of decision	<p>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).</p>
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	<p>The Organization reported that it is incorporated under Alberta’s <i>Societies Act</i>. It therefore qualifies as 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 information at issue was collected and used in connection with the operation of a childcare facility for children age 12 months to 12 years of age. In my view, the delivery of a childcare program for a fee is a commercial activity. Therefore, PIPA applies in this matter.</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">• names,• addresses,• email addresses of families and pick up contacts,• children’s Alberta health care numbers.

	This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> On July 6, 2021, the Organization was broken into and a backpack containing emergency contact forms was stolen.
Affected individuals	The incident affected 23 families.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Reported the incident to law enforcement. Storing all backpacks, computers/phone/tablet in a locked cabinet. Installing sensors that triggers the school alarm in each of the rooms.
Steps taken to notify individuals of the incident	The affected individuals were notified by email on July 6, 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.	<p>The Organization reported,</p> <p><i>“Possible identity fraud, whoever stole the backpack could use the addresses to plan breakins (sic) because they know they (sic) children are in care and parents work during the day”</i></p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the significant harms 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. These are all significant harms. The Organization reported that the families’ residential home could be broken into given the circumstances.</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>The Organization assessed the likelihood that harm will result, as <i>“moderate risk of this happening.”</i></p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased, as it was the result of malicious intent (break-in). Some of the affected individuals are children, and therefore a particularly vulnerable population.</p>
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 and identity information at issue could be used to cause the significant harms 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. These are all significant harms. The Organization reported that the families' residential home could be broken into given the circumstances.

The likelihood of harm resulting from this incident is increased, as it was the result of malicious intent (break-in). Some of the affected individuals are children, and therefore a particularly vulnerable population.

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

I understand the affected individual was notified by email on July 7, 2021. The Organization is not required to notify the individuals again.

Cara-Lynn Stelmack
Assistant Commissioner, Operations and Compliance