



**Personal Information Protection Act (PIPA)
Reporting a Breach to the Commissioner**

The *Personal Information Protection Act* (PIPA) requires organizations to make reasonable security arrangements to protect personal information in their custody or control from such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

PIPA was amended on May 1, 2010 to add a **new requirement for organizations to notify the Information and Privacy Commissioner of certain incidents** involving personal information.

The new section 34.1 of PIPA states:

Notification of loss or unauthorized access or disclosure

34.1(1) An organization having personal information under its control must, without unreasonable delay, provide notice to the Commissioner of any incident involving the loss of or unauthorized access to or disclosure of the personal information where a reasonable person would consider that there exists a real risk of significant harm to an individual as a result of the loss or unauthorized access or disclosure.

(2) A notice to the Commissioner under subsection (1) must include the information prescribed by the regulations.

The *Personal Information Protection Act Regulation* was also amended to specifically set out what **must be reported** to the Commissioner in the event an organization experiences a “loss of or unauthorized access to or disclosure of personal information” that must be reported under section 34.1(1).

Section 19 of the *Regulation* states:

Notice to the Commissioner

19 A notice provided by an organization to the Commissioner under section 34.1(1) of the Act must be in writing and include the following information:

- (a) a description of the circumstances of the loss or unauthorized access or disclosure;
- (b) the date on which or time period during which the loss or unauthorized access or disclosure occurred;
- (c) a description of the personal information involved in the loss or unauthorized access or disclosure;
- (d) an assessment of the risk of harm to individuals as a result of the loss or unauthorized access or disclosure;
- (e) an estimate of the number of individuals to whom there is a real risk of significant harm as a result of the loss or unauthorized access or disclosure;

- (f) a description of any steps the organization has taken to reduce the risk of harm to individuals;
- (g) a description of any steps the organization has taken to notify individuals of the loss or unauthorized access or disclosure;
- (h) the name of and contact information for a person who can answer, on behalf of the organization, the Commissioner's questions about the loss or unauthorized access or disclosure.

A report to the Commissioner must be made **in writing** (by mail or fax), and must be submitted **without unreasonable delay** to:

Office of the Information and Privacy Commissioner

#2460, 801 – 6th Avenue SW
Calgary, Alberta T2P 3W2
Fax: (403) 297-2711
Phone: (403) 297-2728

Other Resources

Additional resources are available on the OIPC website at www.oipc.ab.ca, including:

- *Breach Report Form*, which can be used to submit a report to the Commissioner,
- *OIPC Process for Determining Whether to Require Notification*,
- *Notifying Affected Individuals*, which sets out the minimum requirements for what must be included in a notice to individuals of a breach,
- *Key Steps in Responding to Privacy Breaches* provides guidance to organizations for dealing with a security breach.

Additional resources are also available on the Access and Privacy, Service Alberta website at www.pipa.alberta.ca, including *Information Sheet 11: Notification of a Security Breach*.