



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Howard & Associates Psychological Services (Organization)
Decision number (file number)	P2020-ND-088 (File #012654)
Date notice received by OIPC	July 4, 2019
Date Organization last provided information	July 9, 2019
Date of decision	July 28, 2020
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”	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
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,• telephone number,• employer, and• reason for seeking therapy. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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 3, 2019, the Organization’s office was broken into. Among other things, the intruders stole intake forms from two Employee Assistance Programs (EAPs) requesting services for individuals.• The landlord discovered the breach the same day.
Affected individuals	The incident affected 14 individuals in Alberta.

<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Contacted affected individuals directly to circumvent any anxiety. • Changed the locks and updated to a monitored alarm system as well as cameras at the entrances. • Contacted the EAPs.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were contacted by phone on July 7, 2019 and a letter was put on each client’s file.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<p>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>	<p>The Organization reported that the possible harms that may occur are “None that can be anticipated at this time.”</p> <p>In my view, a reasonable person would consider the contact and health information at issue (reasons for seeking therapy) could be used to cause hurt, humiliation or embarrassment. These are 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 that “...once the perpetrators discover this is not financial information they will dispose of the property”.</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the breach resulted from malicious intent (break-in and theft), and the documents have not been recovered. The Organization can only speculate about the motives of the intruder(s).</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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 individuals.</p> <p>A reasonable person would consider the contact and health information at issue (reasons for seeking therapy) could be used to cause hurt, humiliation or embarrassment. These are significant harms. The likelihood of harm resulting from this incident is increased because the breach resulted from malicious intent (break-in and theft), and the documents have not been recovered. The Organization can only speculate about the motives of the intruder(s).</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the Personal Information Protection Act Regulation (Regulation).</p>	

I understand the Organization contacted all affected individuals by telephone on July 7, 2019 and placed a notification letter on each client's file. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner