



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	The Brenda Strafford Foundation Ltd. (Organization)
Decision number (file number)	P2020-ND-129 (File #013767)
Date notice received by OIPC	October 24, 2019
Date Organization last provided information	October 24, 2019
Date of decision	October 30, 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 the 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 reported it is incorporated under Part 9 of Alberta’s <i>Companies Act</i> and is a “non-profit-organization” as defined in section 56(1)(b)(i) of PIPA. Under sections 56(2) and (3), PIPA only applies to personal information that is collected, used or disclosed by non-profit organizations in connection with a commercial activity.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• employee number,• banked/used vacation (hours and dollars), and• banked/used incentive (hours and dollars). <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information at issue was collected in connection with a commercial activity, PIPA applies.</p>
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"> On October 24, 2019, an attachment containing the information at issue was sent out with employee pay stubs in error. The incident was discovered when one of the employees opened the attachment and immediately called the payroll clerk.
Affected individuals	The incident affected 138 employees.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Reminded employees of the confidentiality policy which would state that this information is not to be shared and asked employees to delete the email. Discontinued the practice of sending attachments with pay stubs until a full investigation is completed.
Steps taken to notify individuals of the incident	Affected individuals were notified by email on October 24, 2019.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<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 the possible harm that might result from this incident is that “Employees could calculate each other’s hourly rate based on information received”.</p> <p>In my view, a reasonable person would consider that the employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, particularly where there are professional/personal relationships. 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 “Low risk assessment of likelihood [sic] that significant harm will result as our policies: 1) Code of Conduct and 2) Business Ethics require our employees to act in an ethical way and delete the incorrect email.”</p> <p>In my view, a reasonable person would consider that the likelihood of hurt, humiliation or embarrassment resulting from this incident is increased because of the personal/professional relationships between the affected individuals and the unintended recipients of the information.</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.	

A reasonable person would consider that employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, particularly where there are professional/personal relationships. These are significant harms.

The likelihood of hurt, humiliation or embarrassment resulting from this incident is increased because of the personal/professional relationships between the affected individuals and the unintended recipients of the information.

The Organization is required to notify the affected individuals pursuant to section 37.1 of PIPA. I understand affected individuals were notified by email on October 24, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner