



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Salta Gymnastics Club (Organization)
Decision number (file number)	P2021-ND-014 (File #016581)
Date notice received by OIPC	October 23, 2019
Date Organization last provided information	December 14, 2020
Date of decision	February 16, 2021
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”	<p>The Organization reported that it is incorporated under Alberta’s <i>Societies Act</i> and therefore is 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 Organization operates a gymnastics club, collects membership fees, and provides programs and services.</p> <p>In my view, the Organization is engaging in commercial activities. To the extent the personal information at issue in this matter was collected, used and disclosed by the Organization in connection with these activities, PIPA applies.</p>

<p>Section 1(1)(k) of PIPA “personal information”</p>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"> recorded voices, disciplinary review information, and medical leave information. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<p>DESCRIPTION OF INCIDENT</p>	
<p><input type="checkbox"/> loss <input checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure</p>	
<p>Description of incident</p>	<ul style="list-style-type: none"> On August 22, 2019, the Organization’s Board meeting was audiotaped, including the ‘in camera’ session where two employees’ employment status (disciplinary review, medical leave) were discussed in detail. On September 10, 2019, an anonymous email was sent to twenty-plus (20+) club members (parents) containing extensive verbatim quotes made by Board Members at the August 22, 2019 meeting. The Organization reported that it is not clear who was involved and the exact details of the creation of the recording. The Organization said it does not know of other recordings or if the recording was redistributed.
<p>Affected individuals</p>	<p>The incident affected two (2) individuals in Alberta.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<p>The Organization did not report its efforts to reduce the risk of harm to individuals.</p>
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified on October 22, 2019</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 did not identify the potential harm(s) that might result from this incident.</p> <p>In my view, a reasonable person would consider the information at issue (disciplinary and medical leave information) could be used to cause the significant harms of embarrassment, hurt and humiliation.</p>

<p>Real Risk</p> <p>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 did not report its assessment of the likelihood of harm resulting from this incident.</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as the breach resulted from deliberate action. The Organization does not know the identity of the individual who sent the email containing verbatim quotes of the recording to its members, and does not know whether or not the recording was or will be further distributed.</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.

A reasonable person would consider the information at issue (disciplinary and medical leave information) could be used to cause the significant harms of embarrassment, hurt and humiliation. The likelihood of harm resulting from this incident is increased as the breach resulted from deliberate action. The Organization does not know the identity of the individual who sent the email containing verbatim quotes of the recording to its members, and does not know whether or not the recording was or will be further distributed.

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 in a letter dated October 22, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner