



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	AUPE (Organization)
Decision number (file number)	P2021-ND-089 (File #013874)
Date notice received by OIPC	November 8, 2019
Date Organization last provided information	November 8, 2019
Date of decision	March 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 the individuals whose personal information was collected in Alberta, pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved a laptop that stored medical notes that included:</p> <ul style="list-style-type: none">• name,• date of birth,• personal health number,• home address,• personal telephone number, and• medical information of two members. <p>The laptop also contained a personnel file that contained:</p> <ul style="list-style-type: none">• name,• address,• date of birth,• employment record,• social insurance number,• bank account number,• photocopy of permanent resident card,• name and date of birth of spouse and dependent.

	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 October 16, 2019, a staff member’s laptop was stolen from their vehicle. The laptop was password protected. On October 23, 2019 a backup copy of the computer was reviewed, revealing there was personal information stored on the laptop. The laptop has not been recovered.
Affected individuals	The incident affected three members, as well as a member’s spouse and dependent.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Conducting internal investigation. Reported incident to law enforcement and will continue to monitor.
Steps taken to notify individuals of the incident	The Organization reported it had “...not yet informed the affected individuals but will do so shortly”.
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 “Harms that could result from the loss of this sensitive personal information are potentially serious and could include financial loss, fraud, and identity theft.”</p> <p>I agree with the Organization’s assessment. A reasonable person would consider the contact, identity, and employment information at issue could be used to cause the harms of identity theft and fraud. Medical information could be used to cause the harms of hurt, humiliation and embarrassment. These are all significant harms.</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 reported that it “... has systems in place to prevent the information from unauthorized access. These include password protection and a security system that will wipe the information once any internet connection is established...There is a possibility that these systems could be bypassed if one were trained to do so.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because it</p>

	resulted from malicious action (theft). The laptop was not encrypted and has not been recovered.
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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, identity, and employment information at issue could be used to cause the harms of identity theft and fraud. Medical information could be used to cause the harms of hurt, humiliation and embarrassment. These are all significant harms.</p> <p>The likelihood of harm resulting from this incident is increased because it resulted from malicious action (theft). The laptop was not encrypted and has not been recovered.</p> <p>I require the Organization to notify the affected individuals whose personal information was collected in Alberta, in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization reported it had "...not yet informed the affected individuals but will do so shortly". I require the Organization to confirm to my office in writing, within 10 days of the date of this decision, that it notified the affected individuals in accordance with the Regulation.</p>	

Jill Clayton
Information and Privacy Commissioner