



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Laura Gilligan, Occupational Therapist (Organization)
Decision number (file number)	P2021-ND-093 (File #013339)
Date notice received by OIPC	September 27, 2019
Date Organization last provided information	September 27, 2019
Date of decision	March 30, 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, 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 meeting minutes that contained:</p> <ul style="list-style-type: none">• first name (parent),• first name (child),• summary of child’s therapy goals and progress, and• brief summary of child's progress at school. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On September 25, 2019, a Google Drive document was shared with the wrong email address. The names were similar, and the wrong name was selected.• The incident was discovered the same day when the unintended recipient reported the error.

Affected individuals	The incident affected 2 individuals in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Immediately removed the email from the shared document. • Requested that the unintended recipient keep the information confidential. • Reviewing processes to prevent similar incidents from occurring.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone on September 25, 2019.

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 that “The individual receiving the information was potentially familiar with the individual whose information was shared.”</p> <p>In my view, a reasonable person would consider that the medical information at issue could be used to cause the harms of hurt, humiliation and embarrassment, particularly if the affected individuals and unintended recipient are known to each other.</p>
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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 the likelihood of significant harm resulting “...is low, as the family who received the information is a private, quiet family, and the family whose information was shared indicated that there are many individuals with her first name, even in her community, and that she had reviewed the information, and she did not feel that there would be any harm that would result.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is decreased because the incident did not result from malicious intent, but rather human error. The unintended recipient reported the breach, and the Organization removed the email from the shared document. However, the Organization reported “The individual receiving the information was potentially familiar with the individual whose information was shared”, increasing the likelihood hurt, humiliation and embarrassment might result from the incident.</p>
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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 that the medical information at issue could be used to cause the harms of hurt, humiliation and embarrassment, particularly if the affected individuals and unintended recipient are known to each other.</p>

The likelihood of harm resulting from this incident is decreased because the incident did not result from malicious intent, but rather human error. The unintended recipient reported the breach, and the Organization removed the email from the shared document. However, the Organization reported “The individual receiving the information was potentially familiar with the individual whose information was shared”, increasing the likelihood hurt, humiliation and embarrassment might result from the incident.

I require the Organization to notify the affected individuals, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand the affected individuals were notified by telephone on September 25, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner