



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	ARCH Psychological Services (Organization)
Decision number (file number)	P2021-ND-168 (File #018214)
Date notice received by OIPC	September 29, 2020
Date Organization last provided information	June 23, 2021
Date of decision	August 26, 2021
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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”	The incident involved the following information: <ul style="list-style-type: none">• name, and• preliminary Retainer Agreement. This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
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, 2020, an email attachment containing the name of a potential client and a preliminary retainer agreement was sent in error to the wrong potential client.• The error was discovered on September 28, 2020 when the Organization was reviewing the previous day’s communications.• The Organization reported that it emailed and left numerous telephone messages to obtain acknowledgment of the communication and asking the unintended recipient to delete the email with the incorrect attachment. The unintended

	recipient did not respond to email nor did they answer any calls made by the Organization.
Affected individuals	The incident affected 2 individuals.
Steps taken to reduce risk of harm to individuals	Will create a written policy and procedure for sending any type of attachment to emails, which involves triple checking the attached document and review of intended recipient’s email address.
Steps taken to notify individuals of the incident	The affected individuals were notified by email on September 29, 2020.
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.	The Organization reported the possible harms that may occur as a result of the breach is “n/a”. In my view, a reasonable person would consider that the contact information and the fact that the individual was a potential client could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms.
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.	The Organization reported the likelihood that harm will result is “n/a”. In my view, a reasonable person would consider that the likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization requested that the information be deleted by the unintended recipient, the Organization was not able to confirm the email was deleted and not retained, copied or forwarded to other parties.
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 the contact information and the fact that the individual was a potential client could be used to cause hurt, humiliation and embarrassment, as well as damage to relationships. These are significant harms. The likelihood of harm is reduced because the incident resulted from human error and not malicious intent. However, although the Organization requested that the information be deleted by the unintended recipient, the Organization was not able to confirm the email was deleted and not retained, copied or forwarded to other parties.	

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 the affected individuals by email on September 29, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner