



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College of Physicians and Surgeons of Alberta (Organization)
Decision number (file number)	P2021-ND-191 (File #017729)
Date notice received by OIPC	June 1, 2020
Date Organization last provided information	June 1, 2020
Date of decision	October 14, 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 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 is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <p><u>Complaint Letter:</u></p> <ul style="list-style-type: none">• name, and• concerns and alleged breach of professional standards. <p><u>Investigation Report:</u></p> <ul style="list-style-type: none">• name,• response to complaint,• copy of a formal undertaking for one physician,• two personal and confidential letters directed at a physician regarding complaints, and• the analysis and findings of the investigation as related to three physicians. <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 was collected in Alberta, 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"> • The Organization received a complaint from a physician about three other physicians. • The full complaint was copied to all three physicians on November 18, 2019, without redacting the complaint information about the other physicians. • A second breach occurred when the resulting Investigation Report was sent to all three physicians on March 2, 2020, allowing each physician to see the practices of the others, as well as the complaint history and formal undertaking that one of the physicians had with the Organization. • The breach was discovered when legal counsel for the three physicians contacted the Organization with concerns about the disclosures of personal information.
Affected individuals	The incident affected 3 individuals whose information was collected in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Requested legal counsel and the three physicians securely destroy the investigation report and a redacted version was provided to them. • Will create separate complaint files when one complainant has concerns about multiple physicians who do not share the care of a patient. • Will include a process to consider redacting personal or confidential information.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on June 1, 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.	<p>The Organization reported “The risk of harm to the three physicians is potential damage to reputation, loss of business opportunities, and financial loss.”</p> <p>In my view, a reasonable person would consider that the contact information, along with the information in the complaint and investigation report, could be used to cause the significant harms of damage to reputation, loss of business opportunities, and financial loss, as well as potentially hurt, humiliation and embarrassment.</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 reported:</p> <p><i>The likelihood that harm will result is high. [The Organization] requested the three physicians and their legal counsel destroy (sic) the investigation report and a redacted version was provided to them. We have not yet received confirmation of destruction (sic). Confidential information of three physicians with a possible competitive interest in (a specialty) was shared with each other. This information could be used for malicious purpose.</i></p> <p>In my view, a reasonable person would consider there is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. It is not clear whether the Organization retrieved the information at issue or confirmed it was destroyed and not used or distributed further. Further, the existence of personal/professional relationships increases the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</p>	
<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 contact information, along with the information in the complaint and investigation report, could be used to cause the significant harms of damage to reputation, loss of business opportunities, and financial loss, as well as potentially hurt, humiliation and embarrassment. There is a real risk of significant harm in this case, despite the fact the incident did not result from malicious intent. It is not clear whether the Organization retrieved the information at issue or confirmed it was destroyed and not used or distributed further. Further, the existence of personal/professional relationships increases the likelihood of hurt, humiliation, embarrassment or damage to relationships in this case.</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 notified affected individuals by letter on June 1, 2020. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner