



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Sonita Goehring Counselling Services Inc. (Organization)
Decision number (file number)	P2021-ND-215 (File #019919)
Date notice received by OIPC	February 22, 2021
Date Organization last provided information	February 22, 2021
Date of decision	November 3, 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 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 all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• telephone number,• email,• date of birth,• emergency contact,• clients description of concerns/reason for treatment,• significant life events,• workplace issues, and• goals for treatment. <p>This information is about an identifiable individual 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 checked="" type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

Description of incident	<ul style="list-style-type: none"> On February 22, 2021, a student accessed a client's confidential file without authorization. The breach was discovered the same day.
Affected individuals	The incident affected one (1) individual residing in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Recovered and secured the information. Notified the University and the College of Alberta Psychologists. Revised policy and procedure manual and students will no longer have access to the electronic database. Will record all information in paper files that will be stored and locked in a secure manner. Provided additional training. Reviewed the standards of practice as outlined by the College of Alberta Psychologists. Discussed to increase likelihood of understanding and responsibility to do no harm.
Steps taken to notify individuals of the incident	The affected individual was notified verbally on March 17, 2021 and by letter on March 22, 2021.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
<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 reported,</p> <p style="text-align: center;"><i>This breach of the access to the personal information of the client could result in mental harm.</i></p> <p>In my view, a reasonable person would consider that the contact and medical information at issue could be used to cause the harms of hurt, humiliation and embarrassment. Identity information could be used to cause the harms of identity theft and fraud; email address could be used for the purposes of phishing, increasing vulnerability to identity theft and fraud. These are all significant harms.</p>
<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>	<p>The Organization reported “There is a high risk of harm to the individual as the individual who accessed the information had a former relationship with the client, the information may be misused by the unauthorized individual, the breach may cause mental harm, the breach could result in reduced confidence in psychological services and support, the person who accessed the information is subject to a confidentiality agreement, was aware of the policy and procedure regarding access to files.”</p>

	<p>In my view, a reasonable person would consider that the likelihood of identity theft and fraud are decreased given that the Organization knows the student who accessed the information inappropriately. However, the likelihood of hurt, humiliation and embarrassment resulting from this incident is increased because of the personal relationship that exists between the student and the client.</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 individual.

A reasonable person would consider that the contact and medical information at issue could be used to cause the harms of hurt, humiliation and embarrassment. Identity information could be used to cause the harms of identity theft and fraud; email address could be used for the purposes of phishing, increasing vulnerability to identity theft and fraud. These are all significant harms.

The likelihood of identity theft and fraud are decreased given that the Organization knows the student who accessed the information inappropriately. However, the likelihood of hurt, humiliation and embarrassment resulting from this incident is increased because of the personal relationship that exists between the student and the client.

I require the Organization to notify the affected individual whose personal information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand that the affected individual was notified verbally on March 17, 2021 and by letter on March 22, 2021 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner