



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	College of Licensed Practical Nurses of Alberta (Organization)
Decision number (file number)	P2021-ND-226 (File #019127)
Date notice received by OIPC	November 20, 2020
Date Organization last provided information	November 20, 2020
Date of decision	November 12, 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 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,• employment location,• detailed allegations surrounding a complaint, and• employer’s letter of suspension in re the allegations. <p>This information is about an identifiable individual 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">• The Organization received a complaint alleging unprofessional conduct by a member.• On November 6, 2020, an employee inadvertently emailed the letter to an unintended recipient, instead of the Complaints Director.• The unintended recipient is another member.

	<ul style="list-style-type: none"> • The unintended recipient notified the Organization of the error. • The Organization telephoned the unintended recipient on November 13, 2020 to discuss deleting the complaint and assisted in deleting the email. • The unintended recipient confirmed through email on November 13, 2020 that the complaint letter was deleted, including from all areas in her system.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	Will share files exclusively through the Organization’s Document Management System for internal purposes to prevent further breaches of this nature.
Steps taken to notify individuals of the incident	The affected individual was notified by email on November 13, 2020.
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><i>The information that was sent in the breach could be considered on the higher sensitivity scale. As it included where the member worked and the incident for which the LPN received discipline. A person could use this information to humiliate the LPN that was complaint about, or damage their reputation as a nurse if they were to share this information with others.</i></p> <p>In my view, a reasonable person would consider that the contact and employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, and damage to reputation, particularly if the affected individual and unintended recipient are known to each other.</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,</p> <p><i>The likelihood that harm will result is low. The incorrect LPN that received the breach information let the CLPNA know right away that it was not meant for her. All of the information was then deleted and all parties involved were notified (sic). All parties do understand the sensitivity of the situation (sic).</i></p> <p>In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased as it did not result from malicious intent, but rather an incorrect email address. The unintended recipient reported the error to the</p>

	<p>Organization and confirmed deletion of the information. Despite this, the fact the unintended recipient and the affected individual are members of the same profession makes it more likely the harms of hurt, humiliation, embarrassment and damage to reputation could result.</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 individual.</p> <p>A reasonable person would consider that the contact and employment information at issue could be used to cause the harms of hurt, humiliation or embarrassment, and damage to reputation, particularly if the affected individual and unintended recipient are known to each other.</p> <p>The likelihood of significant harm resulting from this incident is decreased as it did not result from malicious intent, but rather an incorrect email address. The unintended recipient reported the error to the Organization and confirmed deletion of the information. Despite this, the fact the unintended recipient and the affected individual are members of the same profession makes it more likely the harms of hurt, humiliation, embarrassment and damage to reputation could result.</p> <p>The Organization is required to notify the affected individual pursuant to section 37.1 of PIPA. I understand the Organization notified the affected individual by email on November 13, 2020. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner