



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Calgary Meals on Wheels (Organization)
<b>Decision number (file number)</b>	P2021-ND-235 (File #018854)
<b>Date notice received by OIPC</b>	January 5, 2021
<b>Date Organization last provided information</b>	January 5, 2021
<b>Date of decision</b>	November 23, 2021
<b>Summary of decision</b>	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	<p>The Organization reported that it is incorporated under Alberta’s <i>Societies Act</i> and therefore is a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA.</p> <p>Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>In this case, the Organization operates a meal delivery service at a cost. In my view, the Organization is engaging in commercial activities. To the extent the personal information at issue in this matter was collected, used and disclosed by the Organization in connection with these activities, PIPA applies.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The Organization reported the incident involved:</p> <ul style="list-style-type: none"><li>• names, and</li><li>• addresses.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>

<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• On January 4, 2021, a driver with the Organization inadvertently left a clipboard with client addresses attached on top of his vehicle while out on delivery.</li> <li>• The clipboard slid off the car roof.</li> <li>• The driver realized the clipboard was missing and drove back.</li> <li>• The driver was able to retrieve the clipboard but none of the sheets with addresses were attached on it.</li> <li>• The Organization said, "Given the wet and slushy road conditions, the information most likely was destroyed, but we cant (sic) say for sure."</li> </ul>
<b>Affected individuals</b>	The incident affected 11 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Called and notified affected individuals.</li> <li>• Reminded the driver to ensure clipboard is always with them inside the vehicle.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by telephone on January 4 and January 5, 2021.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<b>Harm</b> 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 "None."  In my view, a reasonable person would consider that the contact information at issue, along with the fact the individuals receive services at their home, could be used to cause the harms of humiliation, and distress, and to target the individuals for other harms, such as identity theft, fraud and theft. These are significant harms.
<b>Real Risk</b> 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's assessment of the likelihood that the harm will result was "None".  In my view, a reasonable person would consider that the likelihood of significant harm is reduced because the incident did not result from malicious intent. The risk of harm is increase, however, as the information has not been recovered. In particular, the affected individuals are members of a vulnerable population who receive services from the Organization at their home address.

**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 at issue, along with the fact the individuals receive services at their home, could be used to cause the harms of humiliation, and distress, and to target the individuals for other harms, such as identity theft, fraud and theft. These are significant harms. The likelihood of significant harm is reduced because the incident did not result from malicious intent. The risk of harm is increase, however, as the information has not been recovered. In particular, the affected individuals are members of a vulnerable population who receive services from the Organization at their home address.

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 that affected individuals were notified by telephone on January 4, 2021 and January 5, 2021 in accordance with Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner