



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	CH Nursery Management Ltd., operating as Early Discoveries Nursery School (Organization)
Decision number (file number)	P2019-ND-026 (File #010642)
Date notice received by OIPC	November 12, 2018
Date Organization last provided information	November 12, 2018
Date of decision	February 19, 2019
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 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”	The incident involved the following information: <ul style="list-style-type: none">• parent address, telephone number, email address, and• student allergies and attendance records. This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• A class teacher binder disappeared over the weekend of October 27-28, 2018 while the Organization’s classrooms were used by another party.• The incident was discovered on October 29, 2018 when the teacher arrived and found the class binder gone.• The binder has not been recovered.
Affected individuals	The incident affected 36 individuals in Alberta

Steps taken to reduce risk of harm to individuals	Now storing all class binders in a locked cupboard.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on October 20, 2018.
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 “At this time all parents and licensing are satisfied with our handling of this matter so we see no harm coming from this loss.”</p> <p>In my view, a reasonable person would consider that the contact information at issue and email addresses could be used to cause the harm of phishing, increasing vulnerability to identity theft and fraud. Medical and attendance records could be used to cause the harms of hurt, humiliation and embarrassment. 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 that “We feel this is not a theft for profit but rather an individual who may have taken the binder in error and is too embarrassed [sic] to return it.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the breach appears to be the result of deliberate action (theft) and the binder has not been recovered The Organization can only speculate as to the motives of the thief. Some of the affected individuals are children, and therefore a vulnerable population.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
<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 at issue and email addresses could be used to cause the harm of phishing, increasing vulnerability to identity theft and fraud. Medical and attendance records could be used to cause the harms of hurt, humiliation and embarrassment. These are all significant harms.</p> <p>The likelihood of harm resulting from this incident is increased because the breach appears to be the result of deliberate action (theft) and the binder has not been recovered The Organization can only speculate as to the motives of the thief. Some of the affected individuals are children, and therefore a vulnerable population.</p>	

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 the Organization notified affected individuals by letter on October 20, 2018. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner