Office of the Information and
Privacy Commissioner of Alberta

PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Neuman Thompson
Decision number (file number)	P2016-ND-10
Date notice received by OIPC	January 21, 2016
Date Organization last provided information	March 1, 2016
Date of decision	March 8, 2016
Summary of decision	There is a real risk of significant harm to individuals affected by this incident. The organization is required to notify those individuals pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is incorporated in Alberta. I have jurisdiction because the Organization is an "organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	There were two breaches involved in this incident. The first breach involved the following information about a physician who worked in a medical clinic. It is the clinic which was the client of Neuman Thompson. The personal information involved includes • name; • address; • email address; • contractual agreement with Alberta Medical Association; • signature; • total monthly billings, net pay average income; and • graduation date.

	The second breach involved the details of the allegations of sexual assault as outlined during an administrative hearing at an educational institution, including identifiable information about the complainant and the respondent and student witnesses, including their evidence in relation to the matter including area of study, volunteer activities and interactions with the accused or the complainant relevant to the allegations. The educational institution was the client of Neuman Thompson. This information is "personal information" as defined in section 1(1)(k) of PIPA and was collected in Alberta.
DESCRIPTION OF INCIDENT	
☒ loss ❑ unauthorized access ❑ unauthorized disclosure	
Description of incident	• Some time prior to January 16, 2016, an associate lawyer discovered that items had been stolen from two motor vehicles in her personal garage. • The first breach involved a hard copy file from a medical clinic relating to a physician. • The second breach involved a laptop containing personal information relating to a hearing into a case of alleged sexual assault at an educational institution.
Affected individuals	• First breach: 10 individuals—one physician who was the subject of the file and nine other physicians mentioned in the file. • Second breach: 14 individuals—the accused, the complainant, three members of the panel, four expert witnesses and five student witnesses.
Steps taken to reduce risk of harm to individuals	• Reported to the Edmonton Police Service. • Disabled access to the associate lawyer's password protected profile; • Cooperation with the educational institution to reduce the risk of harm.
Steps taken to notify individuals of the incident	• First breach: none of the affected individuals were notified. • Second breach: o Legal counsel for the alleged perpetrator of the assault was notified February 2, 2016. o The complainant with respect to the sexual assault was notified February 2, 2016. o The other 12 individuals were not notified.

REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or injury – that could be caused to those 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.	**First breach:** The Organization recognized that there was a real risk of significant harm to the physician who was the subject of the stolen physical file. In my view, the personal information of the physician involved is also sensitive. While there is no Social Insurance Numbers or bank account numbers, there is enough information to create a financial and professional profile on the individual. This information could be used for the purposes of social engineering that could lead to fraud or identity theft. In my view, these are significant harms. The information relating to the other physicians was not sensitive. **Second breach:** The Organization also recognized that there was a real risk of significant harm to the accused, whose hearing information was on the laptop. I agree with the Organization that that there is a risk of harm to the accused in the hearing. There is a risk of embarrassment and damage to reputation to both the accused and the complainant. I conclude that the risk of embarrassment and damage to reputation also applies to the student witnesses. In my view, this information is sensitive. It is of a very personal and intimate nature relating to the individuals' sexuality and psychological history. In my view the extent of the potential embarrassment and damage to reputation are significant harms. The information relating to the expert witnesses is not sensitive as it involves professional opinions offered in their professional capacity.

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.	**First breach:** The Organization determined that the risk to the physician was not significant enough as to warrant notification. In my view, despite the fact that some of the lost information does not include SIN or bank accounts, collectively, enough information was lost that there is a real risk that an individual who obtained this information could use it to the detriment of the affected individual in terms of identity theft or fraudulent activity. The likelihood of harm resulting from this incident is increased because we know that the personal information was stolen and has not been recovered. **Second breach:** The Organization notified the complainant and respondent in the hearing. I agree with the Organization that there was a real risk of significant harm to the complainant and the respondent in the hearing. I also conclude that there was a real risk of significant harm to the student witnesses in the hearing.

DECISION UNDER SECTION 37.1(1) OF PIPA

First breach:

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 physician.

The personal information of the physician involves enough professional and financial information to facilitate fraud or identity theft through social engineering. Collectively, enough information was lost that an individual who obtained this information could use it to the detriment of the affected individual. The information has been stolen and has not been recovered. These factors contributed significantly to my decision.

I require the Organization to notify the affected individual in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

Second breach:

The personal information of the complainant and respondent in the hearing is of a sensitive and intimate nature. The Organization recognized the risk of embarrassment and loss of reputation warranted notifying these two individual. These risks also apply to the student witnesses.

I require the Organization to notify the accused, the complainant and the student witnesses in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified the complainant and respondent in the hearing, in accordance with the Regulation. The Organization is, therefore, not required to notify those individuals again.

Elizabeth Denham
Information and Privacy Commissioner for British Columbia