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	eScreen Canada ULC (Organization)
Decision number (file number)	P2017-ND-04 (File #003126)
Date notice received by OIPC	June 7, 2016
Date Organization last provided information	June 30, 2016
Date of decision	January 4, 2017
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 *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is incorporated in Alberta and is an "organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved some or all of the following: • name, • address, • date of birth, • name of employer, and • health information (including medical history, physical assessment, musculoskeletal assessment, fitness for work). This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.
DESCRIPTION OF INCIDENT	
❑ loss ❑ unauthorized access ☒ unauthorized disclosure	

Description of incident	• On February 25 and February 26, 2016, an employee of the Organization sent records to his personal email account. The records contained personal information of individuals who had completed occupational health screenings with the Organization. • The employee began a leave of absence at the end of the day on February 26, 2016, and was subsequently terminated on March 29, 2016. The employee had retained the records as part of an employment dispute between himself and the Organization. • On April 18, 2016, the Organization received a report that the former employee had made use of the records containing personal information during the course of an April 6, 2016 meeting with a third party organization.
Affected individuals	The incident affected 19 residents of Alberta.
Steps taken to reduce risk of harm to individuals	• The former employee confirmed in writing that all records had been deleted, and, in a subsequent interview with the Organization's counsel, stated that he had no intent to misuse any personal information. • The Organization retained a forensic expert who confirmed records were deleted from the former employee's computer. • Credit monitoring was offered to all affected individuals. • Confirmed with the third party organization that, during the course of the April 6, 2016 meeting, only certain employee names were visible. The contents of the documents were not reviewed, and no copies were made.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone and letter by June 30, 2016.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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.	The Organization reported that "Given the sensitivity of this information, there is a risk to individuals of potential embarrassment, humiliation or reputational harm". I agree with the Organization's assessment. The information involved in this incident includes identity information which could be used to cause the harms of identity theft and fraud. Health information could also be used to cause the harms of hurt and humiliation, embarrassment and reputational harm. These are significant harms.

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.	In its report of the incident, the Organization detailed a number of steps it had taken to reduce the likelihood of harm resulting from this breach. The Organization also noted "Although there have been no other reports of any misuse of personal information nor any reports of further disclosure of personal information, as the computer forensic assessment into this matter identified, it is not possible to confirm with complete certainty whether records were copied." In my view, and despite the efforts the Organization has made to confirm the records were deleted and not misused, there is a real risk of harm resulting from this incident. The incident resulted from malicious intent (the former employee retained the records as part of an employment dispute between himself and the Organization) and the personal information was exposed for a period of approximately 2 months. Some personal information was in fact disclosed to a third party organization, and the Organization has reported "it is not possible to confirm with complete certainty whether records were copied" before they were confirmed to be deleted from the former employee's computer.

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. The personal information involved in this incident includes identity information which could be used to cause the significant harms of identity theft and fraud. Health information could also be used to cause the significant harms of hurt and humiliation, embarrassment and reputational harm. The incident resulted from malicious intent (the former employee retained the records as part of an employment dispute between himself and the Organization) and the personal information was exposed for a period of approximately 2 months. Some personal information was in fact disclosed to a third party organization, and the Organization has reported "it is not possible to confirm with complete certainty whether records were copied" before they were confirmed to be deleted from the former employee's computer.

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 the affected individuals by telephone and letter by June 30, 2016. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner