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	FastHealth Corporation (Organization)
Decision number (file number)	P2018-ND-121 (File #007942)
Date notice received by OIPC	February 28, 2018
Date Organization last provided information	March 8, 2018
Date of decision	September 4, 2018
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 a vendor that provides operational and website services service provider to a number of hospitals in the United States. The incident occurred at the Organization and it is reporting the incident on its own behalf. The Organization is an "organization" as defined in section 1(1)(i) of PIPA and is reporting this incident on its own behalf.
Section 1(1)(k) of PIPA "personal information"	The incident involved all or some of the following information: • name, • date of birth, • driver's license number, and • social security number. 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 via websites.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	

Description of incident	• On November 2, 2017, the Organization received a report from law enforcement indicating that an unauthorized third party may have accessed or acquired certain information from the Organization's databases. • The Organization's investigation found that from August 14, 2017 to August 18, 2017, an unauthorized third party accessed the Organization's web server.
Affected individuals	The incident affected 8 Alberta residents.
Steps taken to reduce risk of harm to individuals	• Offering eligible individuals a free year of credit monitoring, fraud consultation and identity theft restoration services. • Implementing a new encryption solution and strengthening its data protection and security protocols.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on February 27, 2018.
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 "the loss of a driver's license number or Social Security number may result in potential harms, such as financial loss, fraud, identity theft and potential negative effects on a credit record." I agree with the Organization. The identity information at issue (driver's license, social security numbers and date of birth) could be used to cause the harms of identity theft, fraud and financial loss, as well as negative effects on a credit record. 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.	The Organization reported that it "…has no indication that any personal information has been misused in any way. Further, as a precaution, [the Organization] is offering eligible individuals a free year of credit monitoring, fraud consultation and identity theft restoration services. These services will alert individuals to changes in their credit file and other indicators of fraud so that they can immediately respond to and mitigate any potential harm. [The Organization] has also worked to contain any further unauthorized access to sensitive personal information". In my view, the likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate unauthorized access to the Organization's webserver). Further, the information may have been exposed for approximately three months.

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 identity information at issue (driver's license, social security numbers and date of birth) could be used to cause the harms of identity theft, fraud and financial loss, as well as negative effects on a credit record. These are significant harms. The likelihood of harm resulting from this incident is increased because the personal information was compromised due to the malicious action of an unknown third party (deliberate unauthorized access to the Organization's webserver). Further, the information may have been exposed for approximately three months. I require the Organization to notify the affected individuals whose information was collected in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand the Organization notified affected individuals in a letter on February 27, 2018, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner