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	Kids U Inc. (Walden) (Organization)
Decision number (file number)	P2018-ND-148 (File #008113)
Date notice received by OIPC	March 22, 2018
Date Organization last provided information	May 8, 2018
Date of decision	November 15, 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 an "organization" as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The incident involved all or some of the following information: <u>Children</u> • name, • contact information, • media denial list (children who are not able to have photos taken), • food allergy list (children who have food allergies and diet restrictions and medical information), and • diapering list (children who need extra assistance with toileting). <u>Staff</u> • name, • contact information, • social insurance numbers via tax forms, • banking information, • standard first aid information, • child care certification information, and • security clearance information.

	This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA.
DESCRIPTION OF INCIDENT	
☒ loss ❑ unauthorized access ❑ unauthorized disclosure	
Description of incident	• Between March 10-12, 2018, the Organization's office was broken into. The Organization's television, printer and laptop were stolen. • The laptop was encrypted with a password, but contained personal information of staff and children. • The Organization is not sure if the password used was strong given that the employee who would have set the password is no longer with the Organization.
Affected individuals	The incident affected 113 individuals.
Steps taken to reduce risk of harm to individuals	• Close curtains on the windows once school closes. • Delete personal information once it has been sent via email. • Lock laptop in a safe place in the school at the end of the day. • Install cameras in the outside lobby of the school.
Steps taken to notify individuals of the incident	Affected individuals were notified in writing on March 14, 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 "Families may encounter personal embarrassament [sic] if they see a photo of their child that they did not authorize…The child allergy list includes medical information regarding which children have allergy and diet restrictions. Regarding staff there is potential [sic] that the above may happen but it is not sure for certain what type of harm might occurr [sic] if any." In my view, the contact and health/medical information of the children could be used to cause the significant harms of humiliation and embarrassment. The contact, identity, financial and profile information of staff could be used to cause the significant harms of identity theft, financial loss and fraud.

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 "The laptop was stolen and is password protected. The files on the laptop were not named. As a result the information could not be used to identify staff sentistive [sic] information. It is uncertain how likely there is to be significant harm because it is unknown if the thieves [sic] were able to access the files with the sensitive 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 (theft). Further, despite the fact the laptop was encrypted with a password, it is not known whether the Organization used a strong password to encrypt the personal information contained in the laptop. The information has not been recovered, and some of the affected individuals are part of a vulnerable population (children).

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 contact and health/medical information of the children could be used to cause the significant harms of humiliation and embarrassment. The contact, identity, financial and profile information of staff could be used to cause the significant harms of identity theft, financial loss and fraud.

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 (theft). Further, despite the fact the laptop was encrypted with a password, it is not known whether the Organization used a strong password to encrypt the personal information contained in the laptop. The information has not been recovered, and some of the affected individuals are part of a vulnerable population (children).

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

I understand the Organization notified affected individuals in writing on March 14, 2018, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner