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	Grant Thornton Limited (Organization)
Decision number (file number)	P2019-ND-148 (File #007937)
Date notice received by OIPC	February 22, 2018
Date Organization last provided information	May 29, 2018
Date of decision	August 20, 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 the individuals pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 56 of PIPA "non-profit organization"	The Organization is federally incorporated 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 the following information: • name, • address, • that the individual was engaged in bankruptcy proceedings, • name(s) of creditor(s) and account numbers, • estate number, • municipality of residence. 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 or about December 4, 2017, an employee of the Organization printed counselling documents prior to a session with clients. When collecting the documents from the printer, the employee inadvertently picked up additional pages containing the personal information of two other individuals, and stapled these additional pages together with the counselling documents and provided them to the clients. • The two documents, comprising three pieces of paper, included the personal information at issue. • The clients who received the documents filed a complaint with my Office. • The Organization became aware of the incident when it received a letter regarding the complaint, from my Office.
Affected individuals	The incident affected 2 individuals who are residents of Alberta.
Steps taken to reduce risk of harm to individuals	• As a result of this incident, the Organization undertook to provide each trustee with their own printer and to communicate the need to review all documents prior to distribution. • Out of an abundance of caution, the Organization offered the two affected individuals credit monitoring.
Steps taken to notify individuals of the incident	On February 22, 2018, the Organization sent letters to the two affected individuals notifying them of the incident.
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.	In its report of the breach, the Organization stated that while both documents already formed part of the public record and are available from the Office of the Superintendent of Bankruptcy (the OSB), the disclosure of bankruptcy could nonetheless be embarrassing to the two impacted individuals. It stated that due to its nature, it did not consider the information to be sensitive, with the exception of disclosing the bankruptcy of each impacted individual. It went on to say that the information is, however, available on the public record. The Organization further advised that it did not believe the harm was significant. The information was disclosed by the Organization to its clients and the clients contacted this Office. The information was already part of the public record, and continues to be so. In my view, a reasonable person would consider that the information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. The fact that the information is available on the public record does not eliminate or lessen the significance of the harm. The information was not accessed by someone looking for the information in the public record; rather, it

	was disclosed without authorization by the Organization. In addition, the financial information at issue (account numbers) could be used to cause the significant harms of identity theft 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 it did not foresee any harm arising from this incident and stated that the nature of the information further precludes such harm. It advised that only the two clients had access to the information and had contacted this Office. No other third parties were provided access to the information as a result of the breach. The documents were already available to the public from the OSB. It could not contemplate a criminal use of the type of information disclosed, including without limitation identity theft or fraud. There was no indication of any malicious action or intent, and only two individuals were affected by the breach. In these circumstances, it did not take any steps to confirm that the information at issue was not copied, saved, further disseminated or disclosed. Nor did it request the information be destroyed or returned. In my view, a reasonable person would consider that there is a real risk of significant harm resulting from this incident. Despite the fact the breach was the result of human error and not malicious intent, and the individuals who received the information reported the incident to my Office, the Organization did not take any steps to retrieve the information or confirm it had been destroyed and that it was not copied, saved, further disseminated or disclosed. Further, two individuals, who would not have otherwise known about the bankruptcy of the affected individuals unless they had searched the public record, are now aware of it. As a result, there is a real risk that the affected individuals will, or have, experienced hurt, humiliation or embarrassment from the unauthorized disclosure by the Organization of this information.

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.

A reasonable person would consider that the information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. The fact that the information is available on the public record does not eliminate or lessen the significance of the harm. The information was not accessed by someone looking for the information in the public record; rather, it was disclosed without authorization by the Organization. In addition, the financial information at issue (account numbers) could be used to cause the significant harms of identity theft and fraud.

Despite the fact the breach was the result of human error and not malicious intent, and the individuals who received the information reported the incident to my Office, the Organization did not take any steps to retrieve the information or confirm it had been destroyed and that it was not copied, saved, further disseminated or disclosed. Further, two individuals, who would not have otherwise known

about the bankruptcy of the affected individuals unless they had searched the public record, are now aware of it. As a result, there is a real risk that the affected individuals will, or have, experienced hurt, humiliation or embarrassment from the unauthorized disclosure by the Organization of this information.

The Organization is required to notify affected individuals in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation*.

I understand the affected individuals were notified of the incident on February 22, 2018 by letter. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner