



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Calgary Meals on Wheels (Organization)
Decision number (file number)	P2021-ND-133 (File #017289)
Date notice received by OIPC	September 14, 2020
Date Organization last provided information	September 14, 2020
Date of decision	May 25, 2021
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 <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	<p>The Organization reported that it is incorporated under Alberta’s <i>Societies Act</i> and therefore is a “non-profit organization” as defined in section 56(1)(b)(i) of PIPA.</p> <p>Pursuant to section 56(2), PIPA “does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization”, except in the case of personal information that is collected, used or disclosed in connection with any commercial activity.</p> <p>In this case, the Organization operates a meal delivery service at a cost. In my view, the Organization is engaging in commercial activities. To the extent the personal information at issue in this matter was collected, used and disclosed by the Organization in connection with these activities, PIPA applies.</p>
Section 1(1)(k) of PIPA “personal information”	<p>The Organization reported the incident involved invoices for services provided which included the following information: “Clients Name and address”</p> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>

DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> On September 10, 2020, a volunteer’s vehicle was broken into and four (4) invoices in sealed envelopes, were stolen. The incident was discovered on September 11, 2020, and reported to the Organization.
Affected individuals	The incident affected 4 individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Notified affected individuals. Reminded staff members that all items must be delivered to clients the day of delivery.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone on September 11, 2020.
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.	<p>The Organization reported the possible harms that may occur as a result of the breach is “None.”</p> <p>In my view, a reasonable person would consider that the contact information at issue, along with the fact the individuals receive services at their home, could be used to cause the harms of humiliation, and distress, and to target the individuals for other harms, such as identity theft, fraud and theft. These are significant harms.</p>
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.	<p>The Organization’s assessment of the likelihood that the harm will result was “None”.</p> <p>In my view, a reasonable person would consider that the likelihood of significant harm is increased as the breach resulted from malicious intent (theft) and the information has not been recovered. In particular, the affected individuals are members of a vulnerable population who receive services from the Organization at their home address.</p>
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 contact information at issue, along with the fact the individuals receive services at their home, could be used to cause the harms of humiliation, and distress, and to target the individuals for other harms, such as identity theft, fraud and theft. These are significant harms.

The likelihood of significant harm is increased as the breach resulted from malicious intent (theft) and the information has not been recovered. In particular, the affected individuals are members of a vulnerable population who receive services from the Organization at their home address.

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 that affected individuals were notified by telephone on September 11, 2020 in accordance with Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner