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	The Canadian Kennel Club (the Organization)
Decision number (file number)	P2021-ND-147 (File #017495)
Date notice received by OIPC	April 24, 2020
Date Organization last provided information	April 24, 2020
Date of decision	June 2, 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 the individuals whose personal information was collected in Alberta, pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	A "Non-profit organization" is defined in section 56(1) of PIPA to mean an organization "that is incorporated under the *Societies Act* or the *Agricultural Societies Act* or that is registered under Part 9 of the *Companies Act*." 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. In this case, the Organization is incorporated under the *Animal Pedigree Act of Canada* and does not qualify as a "non-profit organization" as defined in section 56(1)(b) of PIPA, despite operating on a not for profit basis. Therefore, PIPA applies in this case. 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: • name of applicant, • email address, • telephone number, • mailing address, • education history, • professional history, • relevant experiences and qualifications, and • reference names. This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• On February 21, 2020, a copy of the Organization's March 14 and 15, 2020 Board of Directors meeting agenda was inadvertently posted as a PDF file on its website. • The file could be accessed by its membership, instead of the intended audience of the Board of Directors alone. • The agenda included the application materials from individuals who wished to become committee members and was accessible on the website only if the PDF file was downloaded by a visitor to the site. • On February 28, 2020, when the Organization was made aware of the issue, it removed the file from the members' portion of the website on the same day. • The Organization was able to determine that access to the page on its website where the file appeared was only by authorized persons. However, it has not been able to rule out the potential the file was accessed by an unauthorized person.
Affected individuals	The incident affected 31 individuals, including six (6) Alberta residents.
Steps taken to reduce risk of harm to individuals	• Removed the posting upon discovery. • Secured the Board of Director section of the website, which may be only accessed by authorized members of the Board. • Cautioned members to beware of emails sent by individuals they do not know, and to not follow links or download attachments from such messages.

Steps taken to notify individuals of the incident	The affected individuals were notified by email and letter on April 23, 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.	The Organization reported… *… much of the material in an application of this sort, in particular, professional contact information, and educational and professional history, are materials that would often be found on professional biographies, published online for example, in a individual's professional profile. However, we are not certain whether the individuals whose information was included in the Meeting Package had previously chosen to publish this material, or a portion of it. There would be a potential for detailed information of this nature, particularly where it is of a historical nature, to be used for improper purposes, such as phishing, or impersonation of the individual.* In my view, a reasonable person would consider the contact, employment and education information at issue could be used to cause the harms of fraud or identity theft. Email addresses could be used for the purposes of phishing, increasing vulnerability to identity theft and fraud. These are all 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: *While the [Organization] has been able to identify the majority of the individuals who may have accessed the Meeting Package, and has confirmed that their access was either appropriate, or did not give rise to a real risk of harm, the [Organization] was not able to identify the persons associated with all potential accesses to the Meeting Package, with two potential accesses remaining unknown.* *However, the [Organization] notes that these unknown accesses were of very short duration, an average of 58 seconds, and that we have not been able to confirm whether these accesses to the Website actually resulted in a downloading of the Meeting Package. If they did not, there would not have been an unauthorized access to personal information at all, as the Application Material was included within the full Meeting Package, not posted directly to the Website itself.* *Further, the potential for harm to materialize is lowered by the fact that the Application Materials were not published on the Website in a manner that made them readily*

	identifiable, rather they were part of a much larger package of material that a person would need to download, then review to encounter the presence of personal information. The volume of full Meeting Package, 285 pages, with the first Application Material appearing at page 72, decreases the likelihood that a person not aware of the content would accidently locate it, or knowing downloading the Meeting Package with malicious intent. *In the context, there is no evidence of malicious activity, rather, over inclusion of personal information in material posted on a portion of the website accessible to… members, but not to the general public, and an inability to fully exclude potential access by unauthorized persons.* In my view, a reasonable person would consider the likelihood of harm resulting from this incident is decreased as the unauthorized disclosure was caused by human error, and the Organization confirmed that the majority of accesses were authorized; however, the Organization was not able to identify the persons associated with two potential accesses.

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 resulting from this incident.

A reasonable person would consider the contact, employment and education information at issue could be used to cause the harms of fraud or identity theft. Email addresses could be used for the purposes of phishing, increasing vulnerability to identity theft and fraud. These are all significant harms. **T**he likelihood of harm resulting from this incident is decreased as the unauthorized disclosure was caused by human error, and the Organization confirmed that the majority of accesses were authorized; however, the Organization was not able to identify the persons associated with two potential accesses.

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

I understand the Organization notified the affected individuals by email and letter on April 23, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner