

FIPPA Privacy Breach Risk Rating Tool

Subsection 41.1(2) of the Freedom of Information and Protection of Privacy Act (FIPPA) sets out requirements for notifying individuals of a privacy breach when a real risk of significant harm has been created for those individuals. Section 3.1 of the Access and Privacy Regulation includes the relevant factors that *must* be considered when determining whether a real risk of significant harm occurred.

The table below summarizes the risk factors listed in section 3.1 of the regulation, provides examples, includes assessments and suggests *possible* risk ratings for each risk factor. The examples are for illustrative purposes only. It is important to note that public bodies must make their own assessments of risks given the unique circumstances of privacy breach situations. The table is intended to provide some general guidance to ratings, but is not an exhaustive list.

RISK FACTORS	RISK RATINGS		
	Low	Medium	High
Nature of personal information (a) the sensitivity of the personal information involved; (c) any other factors that are reasonably relevant in the circumstances.	<input type="checkbox"/> Publicly available personal information not associated with any other information. The information would not normally be disclosed but would not result in harm. (Ex: an individual's name and business phone number)	<input type="checkbox"/> Personal information unique to the organization that is not medical or financial information. (Ex: employee number, customer identification number)	<input type="checkbox"/> Financial information, unique government identification number. (Ex: credit card number, SIN, driver's license number, passport)
Scope of the breach (b) the probability that the personal information could be used to cause significant harm to the individual, having regard for: (ii) the number of persons who actually or potentially accessed the personal information, (iii) if the identity of the persons who actually or potentially accessed the personal information is known or unknown, (vi) the length of time since the privacy breach first occurred and the duration of the period in which the personal information was	<input type="checkbox"/> Very few affected individuals <input type="checkbox"/> Very few people could have accessed/viewed the information	<input type="checkbox"/> Identified and limited group of affected individuals <input type="checkbox"/> Identified and limited group of individuals could have accessed/viewed the information	<input type="checkbox"/> Large group or entire scope of group of affected individuals not identified <input type="checkbox"/> Large group or entire scope of group not identified, of individuals who could have accessed/viewed the information

<p>available to be accessed, used, disclosed, destroyed or altered in contravention of the Act, (vii) the amount of personal information involved, (c) any other factors that are reasonably relevant in the circumstances.</p>			
<p>Relationships (b) the probability that the personal information could be used to cause significant harm to the individual, having regard for: (iii) if the identity of the persons who actually or potentially accessed the personal information is known or unknown, (iv) any known relationship between any of the persons who actually or potentially accessed the personal information and the individual to whom the information relates, and the nature of the relationship, (v) if the public body is reasonably satisfied that any person who actually or potentially accessed the personal information has destroyed any unauthorized copies of it and has committed to not use or disclose it, (c) any other factors that are reasonably relevant in the circumstances.</p>	<p><input type="checkbox"/> Accidental disclosure to another public body who reported the breach and confirmed destruction or return of the information</p>	<p><input type="checkbox"/> Accidental disclosure to a stranger who reported the breach and confirmed the destruction or return of the information</p>	<p><input type="checkbox"/> Used by or disclosed to an individual with some relationship to or knowledge of the affected individual(s), particularly disclosures to ex-partners, family members, neighbours or co-workers <input type="checkbox"/> Theft by a stranger</p>
<p>Cause of the breach (b) the probability that the personal information could be used to cause significant harm to the individual, having regard for:</p>	<p><input type="checkbox"/> Technical error that has been resolved</p>	<p><input type="checkbox"/> Accidental loss or disclosure</p>	<p><input type="checkbox"/> Intentional breach (i.e. snooping) <input type="checkbox"/> Theft <input type="checkbox"/> Hacking, Ransomware, Phishing <input type="checkbox"/> Unauthorized access to paper files</p>

<p>(i) the event that caused the privacy breach to occur, including whether there is evidence of any malicious intent, such as the breach being the result of theft or gaining unauthorized access to a computer system, (c) any other factors that are reasonably relevant in the circumstances.</p>			<p><input type="checkbox"/> Unauthorized access to a computer system <input type="checkbox"/> Cause unknown <input type="checkbox"/> Technical error (if not resolved)</p>
<p>Containment efforts (b) the probability that the personal information could be used to cause significant harm to the individual, having regard for: (v) if the public body is reasonably satisfied that any person who actually or potentially accessed the personal information has destroyed any unauthorized copies of it and has committed to not use or disclose it, (vi) the length of time since the privacy breach first occurred and the duration of the period in which the personal information was available to be accessed, used, disclosed, destroyed or altered in contravention of the Act, (viii) if the personal information has been recovered, (ix) if the personal information was adequately encrypted, anonymized or otherwise not easily accessible, and (c) any other factors that are reasonably relevant in the circumstances.</p>	<p><input type="checkbox"/> Data was adequately encrypted <input type="checkbox"/> Portable storage device/ laptop was remotely erased and there is evidence that the device/laptop was not accessed prior to erasing <input type="checkbox"/> Hard copy files or device were recovered almost immediately and all files appear intact and/or unread</p>	<p><input type="checkbox"/> Portable storage device/laptop was remotely erased within hours of loss but there is no evidence to confirm that the device was not accessed prior to erasing <input type="checkbox"/> Hard copy files or device/laptop were recovered but sufficient time passed between the loss and recovery that the data could have been accessed</p>	<p><input type="checkbox"/> Data was not encrypted <input type="checkbox"/> Laptop access was not user ID/password protected <input type="checkbox"/> Data files, or device/laptop have not been recovered <input type="checkbox"/> Data at risk of further disclosure particularly through media or online</p>

<p>Foreseeable harm from the breach</p> <p>(a) the sensitivity of the personal information involved;</p> <p>(b) the probability that the personal information could be used to cause significant harm to the individual, having regard for...</p> <p>(c) any other factors that are reasonably relevant in the circumstances.</p>	<p><input type="checkbox"/> No foreseeable harm from the breach</p>	<p>Affected individuals:</p> <p><input type="checkbox"/> Loss of business or employment opportunities</p> <p><input type="checkbox"/> Hurt, embarrassment, damage to reputation or relationships</p> <p><input type="checkbox"/> Social/relational harm</p> <p>Public bodies:</p> <p><input type="checkbox"/> Loss of trust</p> <p><input type="checkbox"/> Loss of assets</p> <p><input type="checkbox"/> Loss of contracts or business</p> <p><input type="checkbox"/> Financial or legal exposure</p>	<p><input type="checkbox"/> Security risk (ex. physical safety, unauthorized building access)</p> <p><input type="checkbox"/> Identify theft or fraud risk</p> <p><input type="checkbox"/> Hurt, embarrassment, damage to reputation may also be high risk depending on the circumstances</p> <p><input type="checkbox"/> Risk to public health or safety</p>
---	---	--	---

January 2022