



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Standard Life Assurance Company of Canada (Organization)
Decision number (file number)	P2013-ND-28 (File #P2283)
Date notice received by OIPC	March 5, 2013
Date Organization last provided information	April 26, 2013
Date of decision	July 4, 2013
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”	Organization is federally incorporated and licenced under the Alberta <i>Insurance Act</i> to carry on business in Alberta. I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The forms and related medical documents contained all or some of the following personal information about the affected individuals: <ul style="list-style-type: none">• Evidence of insurability forms:<ul style="list-style-type: none">○ plan members and spouses (name, address, telephone numbers, dates of birth, height, weight, sex, occupation, signatures),○ insurance coverage applied for,○ children of plan members (name, date of birth, height, weight, sex, signature if over 18 years of age), and○ social insurance number (for one plan member).• paramedical exams and medical requirements questionnaire

	<p>(plan member or spouse),</p> <ul style="list-style-type: none"> • medical test results (plan member or spouse), • doctor’s report with medical history (plan member or spouse), and • asthma medical questionnaire (1 plan member). <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.</p>
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DESCRIPTION OF INCIDENT

<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure
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Description of incident	<p>Group plan insurance application forms and related medical documents were lost in transit by a third party mail courier.</p> <p>The forms and related medical documents were sent between the end of November 2012 and early January 2013 from the Organization’s Toronto office to its Montreal office. The forms were confirmed missing January 7, 2013.</p> <p>The forms have not been recovered.</p>
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Affected individuals	<ul style="list-style-type: none"> • 214 affected individuals in Canada. • 35 Alberta affected individuals: 16 plan members, 12 spouses and 7 children of those plan members.
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Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Extra caution around authenticating plan members prior to release of information. • Offer to add a security question on plan member file. • Change to mail and courier processes including verification of receipt of information. • Credit monitoring for one year for plan members whose personal information involved a social insurance number.
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Steps taken to notify individuals of the incident	Notification sent by mail to affected plan members on March 22, 2013.
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REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>Harm Some damage or detriment or injury – that could be caused to those affected individuals as a result of the incident. The harm must also be “significant.” It must be</p>	<p>The Organization recognized the affected individuals may be at risk for identity theft and fraud, particularly the plan member whose personal information involved a social insurance number as a result of the incident. It also recognized that medical information is sensitive and unauthorized disclosure may pose a risk for harm, such as humiliation.</p>
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<p>important, meaningful, and with non-trivial consequences or effects.</p>	<p>In my view, the personal information involved is highly sensitive. It contains medical information in addition to identity information such as date of birth and, in one case, a social insurance number. The types of harm that could result from unauthorized access to the personal information in this instance are identity theft and fraud. I agree that the loss of sensitive medical information could also cause the harms of hurt and humiliation for affected individuals. In my view, these are significant harms.</p>
<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>	<p>The Organization reported that due to the sensitivity of the personal information involved, it considered there to be a real risk of significant harm to the affected individuals.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the personal information was lost and has not been recovered.</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. The personal information involves sensitive identity information, such as date of birth for all affected individuals, and a social insurance number for one plan member, and detailed medical information. The information has been lost and has not been recovered. These factors contributed significantly to my decision.

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 the Organization notified the plan members in a letter dated March 22, 2013, in accordance with the Regulation.

Section 719 of the *Alberta Insurance Act* recognizes that plan members and dependents disclose material facts to the insurer on one application. As a result, the letter sent to the plan member indirectly notified the affected spouses and children over the age of 18. The Organization is, therefore, not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner