



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	The Equitable Life Insurance Company of Canada (Organization)
Decision number (file number)	P2013-ND-32 (File #P2357)
Date notice received by OIPC	June 27, 2013
Date Organization last provided information	September 30, 2013
Date of decision	December 13, 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) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved all or some of the following information for the 160 affected individuals: <ul style="list-style-type: none">• name,• social insurance number,• home address,• policy number,• driver’s license number,• date of birth,• health information (medical requirements questionnaire),• financial information (copy of a void cheque),• a photocopy of a passport of a deceased life insured (for an individual not associated with Alberta).

	<p>Out of the 160 affected individuals, five were Alberta residents. For these five individuals, the following information was also involved in this incident:</p> <ul style="list-style-type: none"> • name, driver’s license number, social insurance number, health information (medical requirements questionnaire), • name, driver’s license number, social insurance number, and date of birth, • name, driver’s license number, health information (medical requirements questionnaire), • name, driver’s license number and financial information (copy of void cheque), • name, date of birth. <p>This information is “personal information” as defined in section 1(1)(k) of PIPA.</p>
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DESCRIPTION OF INCIDENT

loss
 unauthorized access
 unauthorized disclosure

Description of incident	<ul style="list-style-type: none"> • On June 4, 2013, a laptop was stolen from the desk of one of the Organization’s employees. • The theft occurred in Vancouver, British Columbia. The laptop had been cable locked to the employee’s desk. • The information at issue was stored on the laptop. • The laptop was password protected but was not encrypted. • On June 5, 2013, the Organization reported the incident to the Vancouver Police Service, and the Assistant Vice President and Chief Compliance Officer of the Organization. • The laptop has not been recovered.
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Affected individuals	<ul style="list-style-type: none"> • 160 affected individuals located in British Columbia, Alberta, Manitoba and Ontario. • Out of the 160, five individuals were Alberta residents whose personal information was collected by the Organization’s agents in Alberta.
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Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Reported theft to the Vancouver Police Service. • Changed office door locks. • Reviewed all accessible information on the laptop. • Accelerated existing plan to encrypt all laptops. • Sent out communication reminder to staff regarding laptop security.
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Steps taken to notify individuals of the incident	Notification sent by mail on June 25, 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 important, meaningful, and with non-trivial consequences or effects.</p>	<p>The Organization stated that the nature of the personal information varied by individual. The Organization maintained that name and policy number alone would not be considered sensitive. If social insurance numbers, banking information or health information was involved, the Organization considered the information to be sensitive.</p> <p>The Organization recognized that individuals may be at risk for damage to reputation or relationships, financial loss, fraud, identity theft, or negative effects on credit records as a result of this incident.</p> <p>In my view, the personal information of the five affected individuals in Alberta is highly sensitive. It includes medical and financial information in addition to identity information such as date of birth, driver’s license number and, for two individuals, social insurance numbers. The types of harm that could result from unauthorized access to the personal information in this instance are identity theft and fraud. Unauthorized access to sensitive medical information could also result in the harms of hurt and humiliation. In my view, these are significant harms.</p>
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<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 there is no evidence of malicious intent other than the theft itself. It recognized that, if the information was accessed, there may be a real risk of significant harm to the individuals.</p> <p>In my view, the likelihood of harm resulting from this incident to the affected individuals is increased because the personal information was highly sensitive, was stolen and has not been recovered.</p>
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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 five affected individuals in Alberta. The personal information of these five individuals includes sensitive information such as medical and financial information, social insurance numbers and identity information. The personal information of these five individuals could reasonably be used to cause significant harm in the form of identity theft and fraud, hurt and humiliation. The information was stolen and has not been recovered. These factors contributed significantly to my decision.

I require the Organization to notify the five affected individuals in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the Organization notified the 160 affected individuals in a letter dated June 25, 2013, in accordance with the Regulation. The Organization is, therefore, not required to notify the five affected individuals of Alberta again.

Jill Clayton
Information and Privacy Commissioner