



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	The Empire Life Insurance Company (Organization)
<b>Decision number (file number)</b>	P2013-ND-34 (File #P2346)
<b>Date notice received by OIPC</b>	June 12, 2013
<b>Date Organization last provided information</b>	September 23, 2013
<b>Date of decision</b>	December 4, 2013
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	<p>The Organization is incorporated in Ontario. The Organization carries on business as a licensed insurer in Alberta pursuant to the <i>Insurance Act</i> of Alberta. It is licensed through the Alberta Superintendent of Financial Institutions to undertake insurance in the classes of Accident &amp; Sickness and Life.</p> <p>I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"><li>• T4RIF income tax information slip including:<ul style="list-style-type: none"><li>○ name (first and last name),</li><li>○ mailing address,</li><li>○ taxable amounts, and</li><li>○ social insurance number (SIN).</li></ul></li></ul> <p>This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.</p>

**DESCRIPTION OF INCIDENT**

loss                       unauthorized access                       unauthorized disclosure

<b>Description of incident</b>	<p>In April of 2013, a customer residing in Ontario received another member’s T4RIF tax slip along with their own tax slip. The Organization inadvertently placed two members’ tax slips in the same envelope and mailed those tax slips to one of the intended recipients.</p> <p>The member who received another member’s tax slip reported the incident to the Organization. The Organization contacted the member by telephone and the member verbally confirmed that the other member’s tax slip would not be disclosed and that it would be returned in the mail.</p> <p>When the Organization followed up with the member, she told the Organization that the tax slip was returned to her third party provider who administers the Organization’s insurance policy. However, the Organization was not able to confirm whether the third party insurer received the tax slip.</p>
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<b>Affected individuals</b>	One Alberta resident.
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<b>Steps taken to reduce risk of harm to individuals</b>	<p>The Organization contacted the member who received the information by phone twice after the incident was reported to confirm that the other member’s tax slip would not be disclosed and to confirm that it will be returned by mail.</p> <p>The affected individual was offered free credit monitoring services.</p>
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<b>Steps taken to notify individuals of the incident</b>	A notification letter dated April 25, 2013, was sent to the affected individual.
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**REAL RISK OF SIGNIFICANT HARM ANALYSIS**

<b>Harm</b> 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>The Organization recognized that the affected individual may be at risk for identity theft and fraud.</p> <p>In my view, the personal information involved is highly sensitive. It contains name, address, taxable amounts, and SIN. The types of harm that could result from unauthorized access to the personal information in this instance are identity theft and fraud. In my view, these are significant harms.</p>
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<p><b>Real Risk</b> 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 high sensitivity of the personal information involved, it considered there to be a real risk of significant harm to the affected individual.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the tax slip was never recovered from the member. Further, the Organization could not obtain confirmation from the third party insurance provider that it received the tax slip that the member allegedly mailed to the provider.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></p>	
<p>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 individual. The personal information involves sensitive identity information, such as name, address, taxable amounts, and SIN. The information was never recovered. Further, breach decision P2012-ND-06 involved the same organization, similar circumstances involving tax slips, similar information, and that incident was found to pose a real risk of significant harm to the affected individuals. These factors contributed significantly to my decision.</p> <p>I require the Organization to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified the affected individual in a letter dated, April 25, 2013, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individual again.</p>	

Jill Clayton  
Information and Privacy Commissioner