



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Toole, Peet and Co. Limited (Organization)
Decision number (file number)	P2014-ND-06 (File #P2613)
Date notice received by OIPC	March 11, 2014
Date Organization last provided information	April 29, 2014
Date of decision	July 22, 2014
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”	The Organization is incorporated 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 following information is at issue: <ul style="list-style-type: none">• name,• driver license number,• date of birth, and• gender This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

Description of incident	<p>An email containing the information at issue was sent to the wrong email account. Instead of the intended recipient, the email was sent to a listserv – an automatic system that sends messages to a list of individual recipients. The listserv and the intended recipient have similar email account names.</p> <p>The listserv then sent the email in question to 10 unintended recipients.</p>
Affected individuals	11 affected individuals in Alberta. No individuals outside of Alberta were affected.
Steps taken to reduce risk of harm to individuals	<p>The Organization:</p> <ul style="list-style-type: none"> • requested all recipients who received the email in error delete the email from their inbox; • agreed to offer fraud alert subscriptions for all affected individuals; and • offered to pay costs for an alert to be placed on the driver license files of the affected individuals.
Steps taken to notify individuals of the incident	Notification sent by mail to affected individuals on March 21, 2014

REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>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.</p>	<p>The Organization recognized the affected individuals may be at risk for identity theft and fraud.</p> <p>In my view the personal information at issue is highly sensitive. The types of harm that could result from unauthorized disclosure of this information are identity theft and fraud. 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>I acknowledge that the incident resulted from human error, and not malicious intent, that the Organization contacted the unintended recipients and requested they delete the email, and that the information was disclosed to a relatively small number of individuals. However, the Organization did not report receiving undertakings that the emails were deleted. In the absence of additional information to suggest the risk of harm</p>

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DECISION UNDER SECTION 37.1(1) OF PIPA

Based on the information provided by the Organization I have decided that there is a real risk of significant harm to the affected individuals. The personal information involves sensitive identity information, including date of birth and driver’s license numbers, which could be used to cause significant harm. I acknowledge that the incident resulted from human error, and not malicious intent, the Organization contacted the unintended recipients and requested they delete the email, and the information was disclosed to a relatively small number of individuals. However, the Organization did not report receiving undertakings that the emails were deleted. In the absence of additional information to suggest the risk of harm was mitigated in this case, I believe there is a real risk that significant harm could result from this incident.

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 affected individuals in a letter dated March 21, 2014, in accordance with the Regulation. The Organization is, therefore, not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner