



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	TD Home and Auto Insurance Company (Organization)
Decision number (file number)	P2015-ND-46 (File #000252)
Date notice received by OIPC	February 12, 2015
Date Organization last provided information	October 2, 2015
Date of decision	October 5, 2015
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 registered under the <i>Alberta Insurance Act</i> . I have jurisdiction because the Organization is an “organization” as defined in section 1(1)(i)(i) of PIPA and all of the affected individuals reside in Alberta. The breach also occurred in Alberta.
Section 1(1)(k) of PIPA “personal information”	The incident involved all or some of the following information: <ul style="list-style-type: none">• name,• address,• date of birth,• driver’s license number,• signature,• telephone number,• details of the vehicle involved,• description of injury/treatment,• age, and• gender.

	This information is “personal information” as defined in section 1(1)(k) of PIPA and was collected in Alberta.
Exemptions under the Act	Two of the documents in issue bear a court stamp and form part of the court file. A third document contains a summary of information obtained as a result of a search ordered by the court, and is a judicial administrative record. As such, the personal information contained in these documents would be exempt from the application of the Act under section 4(3)(k). The remainder of the personal information in issue is not exempt from PIPA.
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none"> On January 19, 2015, as part of defending an accident litigation claim, the Organization mailed three claim files to external counsel via Canada Post. While the mail was being processed at the Canada Post facility in Edmonton, the sealed package of documents was damaged and one of the three claim files was misplaced.
Affected individuals	Four individuals were affected.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> The Organization worked with Canada Post to see if the missing claim file could be recovered. The affected individuals were provided contact information for the Canadian credit bureaus and offered a one-year subscription to credit alert monitoring.
Steps taken to notify individuals of the incident	The lawyer representing three of the individuals was notified by letter on February 10, 2015. The fourth individual was notified by telephone on February 12, 2015.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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-	<p>The Organization recognized the affected individuals may be at risk for identity theft. However, the Organization also noted that most of the personal information at issue was already available in the Court file associated with the insurance claim (i.e. statement of claim, affidavit and procedure card).</p> <p>In my view, the personal information involved is sensitive as it includes identity information such as dates of birth, and driver’s</p>

<p>trivial consequences or effects.</p>	<p>license numbers, as well as information about injuries/treatment. The types of harm that could result from unauthorized access to the personal information include identity theft and fraud, as well as embarrassment, hurt and humiliation. In my view, these are significant harms.</p> <p>The fact that some of the personal information at issue could be accessed by a member of the public attending the courthouse where the documents were filed (assuming one was aware of the litigation) does not fully negate the sensitivity of the information or the fact that it could be used to cause the above referenced 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 it considered there to be a low likelihood of harm to the affected individuals because the package was lost while it was being processed on-site at Canada Post's facilities.</p> <p>In my view, the likelihood of harm resulting from this incident is increased because the information was lost and has not been recovered.</p>
<p>DECISION UNDER SECTION 37.1(1) OF PIPA</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 individuals as a result of this incident. The personal information at issue includes sensitive identity information, including date of birth and driver license number as well as information about an injury/treatment. This information could be used to cause the significant harms of identity theft and fraud, as well as embarrassment, hurt and humiliation. The likelihood of harm resulting from this incident is increased because the information was lost and has not been recovered.</p> <p>I require the Organization to notify the affected individuals in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the Organization notified three of the plan members via counsel in a letter and the fourth member by telephone in accordance with the Regulation. Therefore, I will not require the Organization to re-notify.</p>	

Jill Clayton
Information and Privacy Commissioner