



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Desjardins Financial Security Life Assurance Company (Organization)
Decision number (file number)	P2016-ND-49 (File #000746)
Date notice received by OIPC	April 28, 2015
Date Organization last provided information	August 18, 2016
Date of decision	August 23, 2016
Summary of decision	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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 Levis, Quebec, and is an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information :</p> <ul style="list-style-type: none">• name,• address,• date of birth,• social insurance number,• banking information,• nature of disability. <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta.</p>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> • On March 23, 2015, a rehabilitation specialist with the Organization provided an insured individual with an incorrect fax number. • The insured, who is a resident of Alberta, faxed his Employee Statement to this number. The Employee Statement contained the information at issue. • The Organization was unable to trace the fax number to determine who received the fax or confirm destruction.
<p>Affected individuals</p>	<p>One (1) resident of Alberta was affected.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Regular reminders provided to team regarding established privacy policies, including those referring to faxes; • Reminder to team not to rely on personal memory for fax numbers - each time the number must be checked against the contact list before telling a fax number to an individual over the phone; • Reminder to team to ask the individual to repeat the fax number they received.
<p>Steps taken to notify individuals of the incident</p>	<p>The affected individual was notified by telephone on March 24, 2015, and in writing on March 30, 2015.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 did not specifically identify the harm that might result from this incident, but noted in its report that it had advised the affected individual to contact credit reporting agencies if he had concerns about identity theft, and suggested further that he monitor his personal financial accounts.</p> <p>The personal information involved includes sensitive identity, financial, and health information. In my view, this information could be used to cause the harms of identity theft, fraud and financial loss, as well as embarrassment, hurt and humiliation. 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 did not specifically assess the risk of harm resulting from this incident.</p> <p>In my view, although the incident appears to be the result of human error, there is nonetheless a real risk of significant harm. The likelihood of harm resulting from this incident is increased because the Organization is unable to determine who received the fax or confirm that it was destroyed.</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 individual.

The personal information involved could be used to cause the significant harms of identity theft, fraud and financial loss, as well as embarrassment, hurt and humiliation. Although the incident appears to be the result of human error, there is nonetheless a real risk of significant harm. The likelihood of harm resulting from this incident is increased because the Organization is unable to determine who received the fax or confirm that it was destroyed.

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

I understand the Organization notified the affected individual in accordance with the Regulation by telephone on March 24, 2015, and in writing on March 30, 2015. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner