



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Syncrude Canada Ltd. (Organization)
Decision number (file number)	P2016-ND-63 (File #002937)
Date notice received by OIPC	May 2, 2016
Date Organization last provided information	July 14, 2016
Date of decision	December 19, 2016
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 an "organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• first and last name of cardholder,• first name of cardholder's spouse,• home address,• employee number, and• Alberta Blue Cross identification number. <p>Fictitious information about benefits claimed for health services (including physiotherapy, massage therapy and chiropractic services) was associated with the above information.</p> <p>This information is about identifiable individuals 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	

Description of incident	<ul style="list-style-type: none"> • On March 21, 2016, a service provider to the Organization mailed letters to 1,293 of the Organization’s employees having an active Health Care Reimbursement Account. • The letter included a sample form which contained fictitious information regarding benefits claimed for health services, but associated to the names of a real employee of the Organization and his spouse. • No real benefit claim information was disclosed.
Affected individuals	Two (2) residents of Alberta were affected.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • New identification numbers were issued to the affected individuals. • Affected individuals were offered the option to add passwords to their account to increase security. • Reported the incident to the Office of the Information and Privacy Commissioner of Alberta.
Steps taken to notify individuals of the incident	Affected individuals were notified by telephone, followed by letter sent on April 21, 2016

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 reported that the information disclosed could be used as partial verification when inquiring about plan details, and that name and identification number could be combined with other information for submitting fraudulent claims, or to “access additional personal health benefit details or make changes to the individual’s coverage.” The Organization also noted that “the affected individual may be at risk of embarrassment as the information was disclosed to a significant number of employees working at the same company as the breached individual and his spouse.”</p> <p>I agree with the Organization’s assessment. The personal information includes identity information which could be used to cause the harms of fraud and identity theft. In addition, although the claims information associated with the affected individual’s names was fictitious, it could be used to cause the harms of hurt, humiliation and embarrassment. These are significant harms.</p>
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<p>Real Risk</p> <p>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 assessed the likelihood of harm resulting from this incident as low for a number of reasons, including that there is no evidence of malicious intent, the information was disclosed to other employees with similar accounts, and there are safeguards in place to prevent the information from being used for criminal purposes (i.e. identification numbers were terminated).</p> <p>I agree with the Organization’s assessment that health claim fraud is unlikely to arise from this incident due to steps that have been taken to protect against this kind of activity. However, in my view, there is a real risk of hurt, humiliation and embarrassment occurring, due to the large number of individuals the personal information was disclosed to, the potential relationship(s) between the affected individuals and co-workers, and the fact that the personal information 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. The personal information at issue includes identity information which could be used to cause the harms of fraud and identity theft. In addition, although the claims information associated with the affected individual’s names was fictitious, it could be used to cause the harms of hurt, humiliation and embarrassment. These are significant harms.</p> <p>Although health claim fraud is unlikely to arise from this incident, in my view there is a real risk of hurt, humiliation and embarrassment occurring, due to the large number of individuals the personal information was disclosed to, the potential relationship(s) between the affected individuals and co-workers, and the fact that the personal information 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 the individuals in a letter dated April 21, 2016, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.</p>	

Jill Clayton
Information and Privacy Commissioner