



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Equitable Life of Canada (Organization)
File number	P2017-ND-21 (File #001875)
Date notice received by OIPC	November 18, 2015
Date Organization last provided information	November 18, 2015
Date of decision	January 30, 2017
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 an “organization” as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The following information was involved in this incident:</p> <ul style="list-style-type: none">• name,• claim number,• type of benefit applied for (long term disability),• list of information outstanding. <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"> • An incorrect address was entered into the Organization's Group administration system for a certificate holder making a claim. The actual address entered was for a customer's wife's ex-husband. • As a result, a letter containing the information at issue was sent to the wrong address on October 1, 2015 . • The incident was discovered on October 23, 2015 during a telephone conversation between an employee of the Organization and the affected individual.
<p>Affected individuals</p>	<p>The incident affected one (1) individual.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • The incorrect address was changed. • The incident was reported internally. • The affected individual was notified by email and telephone.
<p>Steps taken to notify individuals of the incident</p>	<p>The Organization notified the affected individual by telephone and email correspondence on October 27, 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 reported that "The fact that the claimant had applied for long term disability benefits was disclosed to the ex-husband of the claimant's wife. It is possible that damage to reputation could arise."</p> <p>I agree with the Organization's assessment. The personal information includes health information that could be used to cause the harms of hurt, humiliation, embarrassment, and damage to reputation. 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 "The risk that harm will occur is dependent on the specific nature of the relationship between the claimant and the ex-husband of the claimant's wife, and is not within [the Organization's] knowledge."</p> <p>In my view, and despite the incident resulting from human error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the personal connection between the affected individual and the unintended recipient. In addition, the information was not recovered, and the Organization did not report that it took steps to confirm the information was destroyed, and not viewed, copied or forwarded.</p>

DECISION UNDER SECTION 37.1(1) OF PIPA

Given the information reported by the Organization, I have concluded that there is a real risk of harm to the affected individual in this case. The personal information includes health information that could be used to cause the significant harms of hurt, humiliation, embarrassment, and damage to reputation. Despite the incident resulting from human error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the personal connection between the affected individual and the unintended recipient. In addition, the information was not recovered, and the Organization did not report that it took steps to confirm the information was destroyed, and not viewed, copied or forwarded.

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 by telephone and email correspondence on October 27, 2015. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner