



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Dentons Canada LLP (Organization)
File number	P2017-ND-24 (File #001802)
Date notice received by OIPC	October 20, 2015
Date Organization last provided information	January 15, 2016
Date of decision	January 30, 2017
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the 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 Alberta Limited Liability Partnership and is an “organization” as defined in section 1(1)(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,• address,• information related to an incident under investigation (including employment and health information). <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 and concerns residents of 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 October 10, 2015, an email was sent to all of the Organization's staff and 22 global leaders with an incorrect attachment containing the personal information at issue. The error was recognized immediately and the Organization took steps to retrieve the email and attachment; however, it was opened by approximately 40 individuals in Canada. A number of recipients of the email reported the incident to the sender of the email the day it was sent.
Affected individuals	The incident affected two (2) individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> The Organization took steps to retrieve the email and attachment and to purge it from recipients' mailboxes. Interviewed the 40 employees who reviewed the attachment, obtained undertakings of confidentiality and took additional steps as required. General Counsel sent an email to staff stressing the need to use information rights technology to protect sensitive documents and emails and directing them to do so. Revising policies and procedures to ensure employees comply.
Steps taken to notify individuals of the incident	The Organization notified the affected individuals on October 13 and 14, 2015, in person and in writing.
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 did not specifically identify any harm that might result from this incident, but did report that the information at issue is "highly sensitive".</p> <p>In my view, based on the Organization's report and description of the incident, the information 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 did not specifically assess the likelihood of harm resulting from this incident but did report that it "does not contest that the test for individual breach notification (real risk of significant harm) would be met."</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 individuals and the unintended recipients (co-workers). In addition, the information was not recovered in all instances and was viewed by a number of recipients.</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 individuals in this case. The information 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 individuals and the unintended recipients (co-workers). In addition, the information was not recovered in all instances and was viewed by a number of recipients.

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 on October 13 and 14, 2015, in person and in writing. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner