



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Sun Life Assurance Company of Canada (Organization)
Decision number (file number)	P2017-ND-98 (File #005770)
Date notice received by OIPC	May 29, 2017
Date Organization last provided information	July 18, 2017
Date of decision	July 18, 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 incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• identity of beneficiary, and• amount of benefit received. <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	
Description of incident	<ul style="list-style-type: none">• On May 2, 2017, an employee of the Organization mailed a death benefit cheque to the deceased’s address, instead of the beneficiary’s address. The deceased is the beneficiary’s former spouse.

	<ul style="list-style-type: none"> • The incident was discovered on May 12, 2017 and the Organization contacted the beneficiary to advise of the error. • The beneficiary expressed concern that the mailing would likely be opened by a member of the deceased’s family. As a result, the family would learn the identity of the beneficiary, the beneficiary’s new last name, and possibly the amount of the death benefit. • The Organization wrote to the Executor of the Estate of the deceased to request the return of the information addressed to the beneficiary or if the Executor could securely destroy the information and confirm it would not be used, shared or copied. • To date, the Organization has not heard back from the Executor and has not received confirmation of the information being returned, destroyed, not copied or used.
Affected individuals	The incident affected one (1) individual who is a resident of Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Contacted the Executor of the Estate of the deceased to request the return of the information addressed to the Beneficiary or if the Executor could securely destroy the information and confirm it would not be used, shared or copied. • The department manager reviewed the cause of the incident and addressed the learnings with all staff members involved in the process.
Steps taken to notify individuals of the incident	The Organization notified the affected individual by telephone on May 12, 2017.
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 type of harm that could result from this incident is “knowledge of the Beneficiary's identity and the amount paid to the Beneficiary.” The Organization also reported that “The Beneficiary's view is that significant harm has resulted from this incident, however, did not elaborate on the type of harm it has caused, only that she is dealing with her former spouse's family through her lawyer.”</p> <p>I understand from the Organization’s report that the affected individual in this case has expressed concern about the harm that might result from this incident. From the circumstances described and the type of information involved, it appears to me that the harm could include hurt, humiliation, embarrassment and possibly legal action. These are significant harms.</p>

<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>As noted, the Organization reported that “The Beneficiary’s view is that significant harm has resulted from this incident, however, did not elaborate on the type of harm it has caused, only that she is dealing with her former spouse’s family through her lawyer.”</p> <p>In my view, although the incident resulted from an unintentional mailing error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the existing relationship between the affected individual and the unintended recipient. Although the Organization has written to the Executor of the deceased’s estate requesting the information be returned, or confirming destruction and that it has not been used, shared or copied, to date, the Organization has not heard back from the Executor and has not received confirmation.</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 individual.</p> <p>From the circumstances described and the type of information involved, it appears to me that the incident could result in the harms of hurt, humiliation, embarrassment and possibly legal action. These are significant harms. Although the incident resulted from an unintentional mailing error and not malicious intent, the likelihood of harm resulting from this incident is increased because of the existing relationship between the affected individual and the unintended recipient. Although the Organization has written to the Executor of the deceased’s estate requesting the information be returned, or confirming destruction and that it has not been used, shared or copied, to date, the Organization has not heard back from the Executor and has not received confirmation.</p> <p>I require the Organization to notify the affected individual in accordance with section 19.1 of the <i>Personal Information Protection Act Regulation</i> (Regulation).</p> <p>I understand the affected individual was notified by telephone on May 12, 2017. The Organization is not required to notify the affected individual again.</p>	

Jill Clayton
Information and Privacy Commissioner