



**PERSONAL INFORMATION PROTECTION ACT  
Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Gowling WLG (Canada) LLP (Organization)
<b>Decision number (file number)</b>	P2017-ND-115 (File #003332)
<b>Date notice received by OIPC</b>	July 14, 2016
<b>Date Organization last provided information</b>	July 18, 2016
<b>Date of decision</b>	August 8, 2017
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA "organization"</b>	I have jurisdiction because the Organization is an "organization" as defined in section 1(1)(i) of PIPA.
<b>Section 1(1)(k) of PIPA "personal information"</b>	<p>The incident involved the following information:</p> <ul style="list-style-type: none"><li>• name,</li><li>• address,</li><li>• details of involvement in and steps taken by an individual in various public legal proceedings and complaints made to the Law Society of Alberta, and</li><li>• the Organization's submissions to the Commissioner about an individual's actions that appear to indicate the individual's request to access information was an abuse of process or frivolous and vexatious.</li></ul> <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 and the incident occurred in Alberta.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• On July 8, 2016, the Organization inadvertently couriered a package containing the personal information at issue to an incorrect address. The package was signed for by an individual at the incorrect address, who had the same first name as the intended recipient.</li> <li>• On Monday, July 11, 2016, the intended recipient advised the Organization that the package had not been delivered.</li> <li>• The Organization compared the courier delivery slip to the individual’s address information and determined that the package was inadvertently delivered to the wrong address.</li> <li>• The Organization instructed the courier to retrieve the package. On the same day, the courier retrieved the package. The unintended recipient who had signed for the package advised the courier that she had not opened the package. However, the package was returned to the Organization with clear tape on both sides (the Organization had not placed clear tape on the package before initially giving it to the courier for delivery).</li> <li>• The Organization has attempted to reach the unintended recipient by telephone, but has not been able to do so.</li> </ul>
<b>Affected individuals</b>	The incident affected one (1) individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Upon discovery of the incident, the Organization made an arrangement for its courier service to recover the package.</li> <li>• The package was recovered on July 11, 2016 and returned to the Organization on July 12, 2016.</li> <li>• The Organization reported that the recipient of the package had advised that the package had not been opened but the returned package had clear tape on both sides.</li> <li>• The courier service advised the Organization that the package was returned in the same condition it was recovered on July 11, 2016.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified in writing on July 14, 2016.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<b>Harm</b> 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.	The Organization reported that the affected individual “may perceive that a disclosure of [the information at issue]... would cause damage to her reputation.” Further, the Organization reported that the information “may be considered sensitive in that it contains [the Organization’s] submissions to the Commissioner about [the affected individual’s] actions. However, any misuse of the information is unlikely to result in bodily harm, loss of employment or other opportunities, financial [sic] loss, fraud, identity theft, negative affects on credit, or damage or loss to property.”

	<p>In my view, the contact and profile information involved could be used to cause hurt, humiliation, embarrassment, and reputational damage. These are significant harms.</p>
<p><b>Real Risk</b> 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 that “the likelihood that harms could result is low, for the following reasons”:</p> <ul style="list-style-type: none"> <li>• “The cause of the breach was inadvertent delivery to the wrong address.”</li> <li>• “The sealed envelope ... was delivered to only one individual.”</li> <li>• “The package was recovered one business day (three calendar days) after the inadvertent delivery took place, which was as soon as was feasible.”</li> <li>• “The package was voluntarily returned by the recipient, who told the courier she did not open the package.”</li> <li>• “There is no evidence of malicious intent or purpose on behalf of this recipient.”</li> <li>• “No vulnerable individuals are involved.”</li> </ul> <p>The Organization also reported it had “attempted to reach the recipient for confirmation, but has been unable to connect with her to date.”</p> <p>In my view, there is a real risk of significant harm in this case. Although the incident resulted from human error (mailing error) and not malicious intent, the tape on the sides of the envelope suggests that the package may have been opened; however, neither the unintended recipient nor the courier admitted to doing so. The unintended recipient lives very near to the affected individual, and there may be a personal relationship between them (or, there could be in the future). The Organization has been unable to contact the unintended recipient.</p>
<p><b>DECISION UNDER SECTION 37.1(1) OF PIPA</b></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>The contact and profile information involved could be used to cause hurt, humiliation, embarrassment, and reputational damage. These are significant harms. Although the incident resulted from human error (mailing error) and not malicious intent, the tape on the sides of the envelope suggests that the package may have been opened; however, neither the unintended recipient nor the courier admitted to doing so. The unintended recipient lives very near to the affected individual, and there may be a personal relationship between them (or, there could be in the future). The Organization has been unable to contact the unintended recipient.</p>	

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 affected individual was notified in writing on July 14, 2016. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner