



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Desjardins Financial Security Insurance (Organization)
Decision number (file number)	P2017-ND-140 (File #006765)
Date notice received by OIPC	October 5, 2017
Date Organization last provided information	October 5, 2017
Date of decision	October 23, 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 incorporated in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name, and• disability claim information (approval, nature, insured period). <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The incident occurred in Calgary, 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 September 13, 2017, an email containing the personal information at issue was sent to an incorrect party having the same name as the subject of the information.• The unintended recipient and the affected individual are employees within the same company.

	<ul style="list-style-type: none"> The incident was discovered the same day when the unintended recipient of the information reported receiving the email in error.
Affected individuals	The incident affected one (1) individual.
Steps taken to reduce risk of harm to individuals	The Organization reported that it “put a comment on the individual file in order to prevent any unauthorized access to it” and confirmed the unintended recipient deleted the email.
Steps taken to notify individuals of the incident	The Organization reported “Customer Notification letter was sent on October 3rd, 2017, but the client was also contacted by phone previously.”
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 “Damage to reputation or relationship could result from the breach” and also “The level of sensitivity is moderate due to the amount of personal information breached, but more sensitive since it's medical information regarding disability claim.”</p> <p>I agree with the Organization’s assessment. The medical information at issue 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 that the “Likelihood that harm could result is low as breach was reported to us by incorrect party to whom the documents were sent...”. Further, “The incorrect party that mistakenly received the email advised us that she would destroy the email and we have a written confirmation that she did it with her deletes also. We also put a comment on the individual file in order to prevent any unauthorized access to it.”</p> <p>In my view, the risk of harm in this case is somewhat mitigated because the incident resulted from human error and not malicious intent, was reported by the unintended recipient of the email, and the unintended recipient confirmed deleting the email. However, the fact that the unintended recipient and the affected individual are co-workers having the same name increases the chance of hurt, humiliation, embarrassment or damage to reputation resulting from this incident.</p>
DECISION UNDER SECTION 37.1(1) OF PIPA	
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.	

The medical information at issue could be used to cause the significant harms of hurt, humiliation, embarrassment and damage to reputation. The risk of harm in this case is somewhat mitigated because the incident resulted from human error and not malicious intent, was reported by the unintended recipient of the email, and the unintended recipient confirmed deleting the email. However, the fact that the unintended recipient and the affected individual are co-workers having the same name increases the chance of hurt, humiliation, embarrassment or damage to reputation resulting from this incident.

The Organization is required to notify the affected individual pursuant to section 37.1 of PIPA. I understand the affected individual was notified by letter sent on October 3, 2017, and had also been previously contacted by telephone. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner