



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Servus Credit Union Ltd. (Organization)
Decision number (file number)	P2018-ND-008 (File #002566)
Date notice received by OIPC	March 16, 2016
Date Organization last provided information	March 16, 2016
Date of decision	January 4, 2018
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those 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 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 following information was involved in the incident:</p> <ul style="list-style-type: none">• name,• address,• date of birth,• social insurance number,• employment information (including name of employer, monthly salary), and• financial information (including assets and liabilities, no bank account numbers). <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.</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"> • A personal financial statement containing the information at issue for one of the Organization’s members and his current partner was obtained by the member's estranged spouse. • The estranged spouse is also a member of the Organization. • The Organization investigated and confirmed that a breach did occur. However, the Organization is unable to determine how or when the information was breached. • The incident was discovered on December 22, 2015 by the member and his partner when the member's solicitor emailed correspondence from the estranged spouse's solicitor containing the financial statement as an attachment. • The Organization was made aware of the incident on December 23, 2015, when an employee of the Organization received a call from the member’s current partner reporting the incident.
<p>Affected individuals</p>	<p>The incident affected two (2) individuals.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Requested the estranged spouse’s lawyer destroy the information. The Organization has not received a response. • Recommended that the affected individuals place alerts on their credit bureaus.
<p>Steps taken to notify individuals of the incident</p>	<p>Once notified by the affected individuals, the Organization communicated the steps taken to conduct an investigation into the incident and provided a copy of its investigation report with a notification letter on February 12, 2016.</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 “Because of the nature and sensitivity of the information disclosed, we feel that this breach could result in identity theft or fraud. In addition, our member is in the process of marriage dissolution with the unauthorized recipient of the information. The joint applicant on the financial statement is the new partner of our member and not a party to the marriage breakdown. As such, we cannot discount the possibility of personal and professional reputational damage and humiliation to the new partner arising from the retaliatory actions by the unauthorized recipient.”</p> <p>I agree with the Organization’s assessment. The identity, employment and financial information could be used to cause the significant harms of identity theft and fraud, as well as the harms of hurt, humiliation, embarrassment, and reputational damage, particularly considering the ongoing legal dispute between one of the parties and the unintended recipient of the information.</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>The Organization reported that "... we feel that harm has already occurred. The information was obtained by the member's estranged spouse and shared with her solicitor as part of the ongoing marital dispute. As we are unable to determine how this access occurred, we are unable to comment as to whether security measures were breached or how long this information has been exposed. We find no evidence of malicious intent or purpose, but we do note that the information can be used to commit identity theft or fraud. The information has not been recovered as of the date of this report; however, we have sent a letter (attached) to the recipient and her solicitor requesting that the information be destroyed with confirmation sent to [the Organization]."</p> <p>In my view, it is unlikely the information will be used for identity theft or fraud purposes, considering the nature of the relationships involved and the context of the disclosure in the course of a marriage dissolution process.</p> <p>However, it appears the harms of hurt, humiliation, embarrassment, and reputational damage have already resulted due to this incident, and particularly for the affected individual who is not a party to the marriage dissolution process. But for the incident, this individual's employment and financial information would not have been known to the estranged spouse or the lawyer. There is a cause and effect relationship between the incident and the possible harm to this individual.</p>
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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 in this case.

The identity, employment and financial information could be used to cause the significant harms of identity theft and fraud, as well as the harms of hurt, humiliation, embarrassment, and reputational damage, particularly considering the ongoing legal dispute between one of the parties and the unintended recipient of the information.

Despite this, in my view it is unlikely the information will be used for identity theft or fraud purposes, considering the nature of the relationships involved and the context of the disclosure in the course of a marriage dissolution process. However, it appears the harms of hurt, humiliation, embarrassment, and reputational damage may have already resulted due to this incident, and particularly for the affected individual who is not a party to the marriage dissolution process. But for the incident, this individual's employment and financial information would not have been known to the estranged spouse or the lawyer. There is a cause and effect relationship between the incident and the possible harm to this individual.

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 both affected individuals in a letter dated February 12, 2016, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner