



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	AGF Investments Inc. (Organization)
Decision number (file number)	P2018-ND-165 (File #010287)
Date notice received by OIPC	October 31, 2018
Date Organization last provided information	October 31, 2018
Date of decision	December 6, 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 whose personal information was collected in Alberta, 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) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The information at issue included: <ul style="list-style-type: none">• name,• address, and• social insurance number. This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.
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">• As a result of a programming issue with an automated tax receipt mailing application that was implemented in 2016, tax receipts issued for estate accounts with multiple recipients (deceased, executors, and beneficiaries) were consolidated into a single mailing address for each account, instead of separated by individual recipient address and mailed accordingly.

	<ul style="list-style-type: none"> • This resulted in one recipient receiving all of the tax receipts for the estate settlement of such accounts, instead of tax receipts being sent to each individual recipient separately. • The date of the initial mailing to an Alberta resident was October 3, 2016. The date of the last mailing to an Alberta resident was November 22, 2017. • The breach was discovered on August 30, 2018 after an internal investigation was conducted by an affiliated transfer agency administrator into inquiries from executors and/or beneficiaries regarding certain tax forms related to the settlement of estate accounts that had not been received.
Affected individuals	The incident affected 16 residents of Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Corrective action was immediately taken to implement a solution, which was to manually issue the tax slips to each individual on file for estate accounts. • A robust automated solution is currently being assessed and tested. The solution will also be subject to compliance testing before implementation.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter couriered on October 16, 2018.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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.	The Organization reported that “There is a potential for misuse or unauthorized disclosure of the personal information by the Recipient who inadvertently received all of the tax receipts in the settlement of the account”. I agree with the Organization’s assessment. The identity and financial information at issue could be used to cause the harms of identity theft and fraud. These are significant harms.
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.	The Organization reported that “...the likelihood that the harm will result is low. The personal information was inadvertently exposed to individuals that are all known to each other, as such ... there is low likelihood of the Recipients sharing or using the information in a way that would cause harm.” I agree with the Organization’s assessment that the likelihood of harm resulting is decreased due to the personal relationships between the individuals, and because the incident did not result from malicious intent, but rather a mailing error. However, the information was exposed for almost 2 years before the Organization became aware of the breach, and the Organization did not report

	efforts to recover the information or ensure it will not be used or further disclosed.
--	--

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 individuals.

The identity and financial information at issue could be used to cause the harms of identity theft and fraud. These are significant harms. The likelihood of harm resulting is decreased due to the personal relationships between the individuals, and because the incident did not result from malicious intent, but rather a mailing error. However, the information was exposed for almost 2 years before the Organization became aware of the breach, and the Organization did not report efforts to recover the information or ensure it will not be used or further disclosed.

The Organization is required to notify affected individuals whose personal information was collected in Alberta. I understand affected individuals were notified by letter couriered on October 16, 2018. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner