



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	GlaxoSmithKline Inc., ViiV Healthcare ULC, ID Biomedical Corporation of Quebec, and GlaxoSmithKline Consumer Healthcare Inc. (the Organizations)
Decision number (file number)	P2019-ND-043 (File #004589, #004590, #004612, #004613)
Date notice received by OIPC	December 19, 2016
Date Organization last provided information	March 6, 2017
Date of decision	March 4, 2019
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organizations are 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”	I have jurisdiction because the Organizations are “organization[s]” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved the following information: <ul style="list-style-type: none">• employee name,• employee ID number,• union membership,• target bonus,• date of birth,• hourly base pay,• annual base pay,• compensation grade,• compensation most recent change date,• amount and currency,• effective date,• expected end date,• total base pay,• last and second to last bonus or one-time payment (date, plan, amount, percent).

	This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent this information was collected in Alberta, PIPA applies.
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"> • In May and November 2016, an Excel spreadsheet was distributed via email for the purpose of “conducting performance rating calibration meetings with people managers”. • A hidden tab/sheet was inadvertently included in the spreadsheet. As a result, the recipients of the emails inadvertently received the personal information of employees for whom they were not the intended recipients. • The incident was discovered when two recipients of the email discovered the hidden tab/sheet and logged incident reports on November 17, 2016 (see OIPC breach notification decision P2019-ND-042). • As a result of the Organizations’ investigation of this incident, it was discovered that spreadsheets containing the information at issue were sent in 2014 and 2015. The 2014 spreadsheet was distributed to approximately 20 recipients, and the 2015 spreadsheet was distributed to approximately 40 recipients. • The Organizations have an email retention policy whereby emails not saved separately on a shared drive or on an employee's desktop are automatically deleted after one year, so the exact date of the 2014 and 2015 incidents cannot be ascertained. • The 2014 and 2015 incidents were discovered by the Organizations on November 18, 2016 as a result of the investigation of the 2016 incident.
Affected individuals	The incident affected 2,360 employees, 28 of whom are located in Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Conducted an investigation. • Met with staff involved in the incident and enhanced policies and procedures. • All known recipients confirmed that they deleted the email from their respective inboxes and deleted Item folders as well as any copies saved to their computers.
Steps taken to notify individuals of the incident	Affected individuals were notified by March 3, 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 Organizations reported “It is unlikely that identity theft, negative effects to a credit record and/or damage or loss of property will occur ... as the personal information disclosed did not contain any financial information and was only disclosed internally to other...employees”. However, the disclosure “...could potentially create a risk of humiliation and/or reputational risk to affected individuals who remain employed with [the Organization] as the employee compensation information would be visible to other employees who otherwise do not have access to such information...”.</p> <p>I agree with the Organizations’ assessment. A reasonable person would consider it unlikely the employment information at issue could be used to cause the harms of identity theft or fraud. However, this information could be used to cause the significant harms of hurt, humiliation, embarrassment and reputational harm.</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 Organizations reported “The likelihood that harm could result to the affected employees as a result of the 2014 or 2015 Incidents is low. The ...Incident was accidental and did not involve malicious intent on the part of any person. It is likely that the e-mails containing the 2014 and 2015 Spreadsheets have been automatically deleted by [the Organizations’] e-mail retention system (unless separately saved to a folder), and to date, there is no indication that the 2014 or 2015 Spreadsheets or the personal information contained therein was further disseminated beyond the original recipients... Additionally, the fact that [the Organizations have] found no evidence of any harm to any affected employees (or any use of the personal information at all) in the time period since the occurrence of the 2014 and 2015 Incidents to the date of this report further supports the fact that the likelihood of harm resulting from the 2014 or 2015 incidents is low. The likelihood that harm could result to any affected individuals who are no longer employed with [the Organizations] as a result of the 2014 or 2015 Incidents is very low”.</p> <p>In my view, a reasonable person would consider that the risk of harm is decreased as the incident resulted from human error and not malicious or deliberate action. Further, all known unintended recipients of the personal information confirmed deleting it. However, given the personal/professional relationships that might exist between the affected individuals and the unintended recipients, there is a real risk of hurt, humiliation, embarrassment and reputational harm.</p>

DECISION UNDER SECTION 37.1(1) OF PIPA

Based on the information provided by the Organizations and given the circumstances of the incident, I have decided that there is a real risk of significant harm to the affected individuals.

A reasonable person would consider it unlikely the employment information at issue could be used to cause the harms of identity theft or fraud. However, this information could be used to cause the significant harms of hurt, humiliation, embarrassment and reputational harm. The risk of harm is decreased as the incident resulted from human error and not malicious or deliberate action. Further, all known unintended recipients of the personal information confirmed deleting it. However, given the personal/professional relationships that might exist between the affected individuals and the unintended recipients, there is a real risk of hurt, humiliation, embarrassment and reputational harm.

I require the Organizations to notify the affected individuals whose personal information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

The Organizations reported that all affected individuals were notified by March 3, 2017. The Organizations are not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner