



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	The Empire life Insurance Company (Organization)
<b>Decision number (file number)</b>	P2019-ND-100 (File #012424)
<b>Date notice received by OIPC</b>	March 6, 2019
<b>Date Organization last provided information</b>	March 6, 2019
<b>Date of decision</b>	July 17, 2019
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization operates in Alberta and 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>• policy number,</li><li>• investment fund type,</li><li>• fund values and beneficiary name (if any).</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On January 29, 2019, the Organization sent a package containing 225 investment statements for 100 customers, via courier, to the office of a financial advisor.</li><li>• The package was left on the advisor's doorstep as there was no tracking number or signature required.</li></ul>

	<ul style="list-style-type: none"> <li>On February 7, 2019, the advisor contacted the Organization to advise the package had not arrived.</li> <li>The courier confirmed to the Organization that the package was delivered on January 31, 2019.</li> <li>The Organization assumes that the package was stolen after it was delivered.</li> </ul>
<b>Affected individuals</b>	The incident affected 100 individuals, including 2 residents of Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Flagged the accounts of the affected customers and applied additional authentication measures to callers requesting information regarding these accounts.</li> <li>All advisor requests for client statements will only be permitted through the secure on line advisor portal.</li> <li>Courier packages containing client information will require tracking and signature for delivery.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by letter on February 13, 2019.
<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 “Third parties may attempt to access the accounts directly or to extort monies based on the values disclosed on the statements”.  I accept the Organization’s assessment. A reasonable person would consider that the contact and financial information at issue could be used to cause the significant harms of identity theft and fraud.
<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.	The Organization reported that it “...is of the opinion that a real risk of significant harm may exist.”  In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the breach appears to be the result of malicious action (theft). The personal information has not been recovered.
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
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.	

A reasonable person would consider that the contact and financial information at issue could be used to cause the significant harms of identity theft and fraud. The likelihood of harm resulting from this incident is increased because the breach appears to be the result of malicious action (theft). The personal information has not been recovered.

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 that affected individuals were notified by letter on February 13, 2019. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner