



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Crawford & Company (Canada) Inc. (Organization)
<b>Decision number (file number)</b>	P2019-ND-108 (File #011547)
<b>Date notice received by OIPC</b>	April 3, 2019
<b>Date Organization last provided information</b>	April 3, 2019
<b>Date of decision</b>	July 19, 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 the individuals whose information was collected in Alberta 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 Ontario, 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:</p> <ul style="list-style-type: none"><li>• email address (some included first and last name),</li><li>• date, time location of instructional seminar.</li></ul> <p>This information is about individuals with an interest in a class action settlement related to Schools for the Deaf and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"><li>• On December 19, 2018, an informational email was sent to advise interested parties about upcoming workshops being offered in relation to a class action settlement for the Schools for the Deaf.</li><li>• Due to employee error, the recipient email addresses were inadvertently included in the “To” field of the email resulting in the email addresses being visible to recipients.</li></ul>

	<ul style="list-style-type: none"> <li>• The breach was discovered the same day.</li> </ul>
<b>Affected individuals</b>	The incident affected approximately 580 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Attempted to recall the email but without success.</li> <li>• Reported breach to data protection regulators, Ontario Attorney General, and class counsel.</li> <li>• Enhancing processes for email distribution.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individuals were notified by email between December 24-27, 2018.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<p><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.</p>	<p>The Organization reported that “In light of the fact that the settlement administration involves settlement of abuse allegations at schools for the deaf, the e-mail addresses are potentially sensitive or confidential information. In addition, as some identified abusers were also victims, email addresses of both abusers and victims may have been included on the list”.</p> <p>In my view, a reasonable person would consider that the email addresses in conjunction with the contents of the email, could be used to cause the significant harms of hurt, humiliation, embarrassment, and harm to personal relationships.</p>
<p><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.</p>	<p>The Organization did not specifically assess the likelihood of harm resulting from this incident.</p> <p>In my view, a reasonable person would consider that the likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the risk is increased given the sensitive content of the information at issue, the number of unauthorized recipients, and the potential for personal or professional relationships between the unauthorized recipients and the affected individuals.</p>
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
<p>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.</p> <p>A reasonable person would consider that the email addresses in conjunction with the contents of the email, could be used to cause the significant harms of hurt, humiliation, embarrassment, and harm to personal relationships. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the risk is increased given the sensitive content of the information at issue, the number of unauthorized recipients, and the potential for personal or professional relationships between the unauthorized recipients and the affected individuals.</p>	

The Organization is required to notify the affected individuals whose information was collected in Alberta, in accordance with section 19.1 of the *Personal Information Protection Act Regulation*.

I understand that affected individuals were notified by email between December 24-27, 2018. The Organization is not required to notify affected individuals again.

Jill Clayton  
Information and Privacy Commissioner