



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

<b>Organization providing notice under section 34.1 of PIPA</b>	Imperial Oil Limited (Organization)
<b>Decision number (file number)</b>	P2019-ND-111 (File #011873)
<b>Date notice received by OIPC</b>	January 29, 2019
<b>Date Organization last provided information</b>	January 29, 2019
<b>Date of decision</b>	July 19, 2019
<b>Summary of decision</b>	There is a real risk of significant harm to the individual affected by this incident. The Organization is required to notify the individual 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:</p> <ul style="list-style-type: none"><li>• email address, and</li><li>• a form indicating an employee would remain off work and medical status would be reviewed once additional medical was received. No medical information was included with the email.</li></ul> <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</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 21, 2018 a fitness for work form was emailed in error to an internal employee with the same last name as the intended recipient.</li><li>• The employee that the form was emailed to in error emailed the sender after hours December 21, 2018 advising that the email should not have come to her. The sender did not see the email until January 7, 2019 due to vacation.</li></ul>

	<ul style="list-style-type: none"> <li>On January 7, 2019 when the sender saw the email, she emailed the party that had received the email thanking her for letting her know and advising her to disregard and delete if she had not already done so.</li> <li>The employee was also copied on the emails at his work email.</li> </ul>
<b>Affected individuals</b>	The incident affected one individual.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Requested the unintended recipient delete the email.</li> <li>Will double check emails more closely prior to sending.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individual was notified by telephone and email on January 29, 2019.
<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>In assessing the possible harm that might result from this incident, the Organization reported "None expected".</p> <p>In my view, a reasonable person would consider that the information at issue could be used to cause the significant harms of hurt, humiliation, embarrassment, and harm to personal/professional relationships. These are significant harms.</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 reported "Email was marked "Private"; distribution was limited to one person inside the organization; email received was notified to disregard &amp; delete the email as soon as breach was discovered."</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, and the unintended recipient reported the breach. However, it is possible the affected individual and the unauthorized recipient have a personal/professional relationship, increasing the likelihood of hurt, humiliation or embarrassment resulting. The Organization reported that it requested the unintended recipient delete the email, but did not report confirming that this was done.</p>
<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 individual.	

A reasonable person would consider that the information at issue could be used to cause the significant harms of hurt, humiliation, embarrassment, and harm to personal/professional relationships. These are significant harms. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error, and the unintended recipient reported the breach. However, it is possible the affected individual and the unauthorized recipient have a personal/professional relationship, increasing the likelihood of hurt, humiliation or embarrassment resulting. The Organization reported that it requested the unintended recipient delete the email, but did not report confirming that this was done.

The Organization is required to notify the affected individual, in accordance with section 19.1 of the *Personal Information Protection Act Regulation*.

I understand The affected individual was notified by telephone and email on January 29, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner