



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

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| Organization providing notice under section 34.1 of PIPA | The Great-West life Assurance Company (Organization) |
| Decision number (file number) | P2019-ND-112 (File #011818) |
| Date notice received by OIPC | January 22, 2019 |
| Date Organization last provided information | January 22, 2019 |
| Date of decision | July 19, 2019 |
| Summary of decision | 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). |
| 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 incident involved the following information: <ul style="list-style-type: none">• name, and• Group Plan number, ID, claims details, overpayment details. This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA. The information was collected in Alberta. |
| 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">• On September 11, 2018, due to an administrative error, a demand letter for overpayment of disability benefits under a group plan was mailed to the wrong address. The letter was mailed by registered mail and the Organization obtained the signature of the unintended recipient on the delivery confirmation. |

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| | <ul style="list-style-type: none"> The breach was discovered on October 19, 2018, when, while verifying whether the demand letter was signed for to determine next steps, the staff noticed that the signature on the delivery confirmation was another individual from another demand letter. This prompted the staff to check the address on the letter and discovered that the address was incorrect. |
| Affected individuals | The incident affected one individual. |
| Steps taken to reduce risk of harm to individuals | <ul style="list-style-type: none"> Attempted to contact the unintended recipient to recover the information. Added a note to the affected individual's records. Offered to add a password to the affected individual's file to be requested prior to releasing any information on file. Reminded staff involved in the incident to verify the accuracy of information on all letters prior to sending. |
| Steps taken to notify individuals of the incident | The affected individual was notified by letter on January 11, 2019. |
| 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>In assessing the possible harm that might result from this incident, the Organization reported "The risk that the unauthorized recipient will disclose to the public that he received the demand letter of the impacted individual ... may cause hurt, humiliation and negatively impact the affected individual's reputation".</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, and embarrassment. These are significant harms.</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 Organization reported "Since [we were] not able to recover the information nor obtained [sic] confirmation that the information was destroyed, the likelihood that harm will result increases [sic]."</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 Organization was not able to recover the information nor obtain confirmation that it was destroyed, which increases the likelihood of harm resulting.</p> |
| 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 individual. | |

A reasonable person would consider that the information at issue could be used to cause the significant harms of hurt, humiliation, and embarrassment. These are significant harms. The likelihood of harm is decreased because the breach did not result from malicious intent, but rather human error. However, the Organization was not able to recover the information, nor obtain confirmation that it was destroyed, which increases the likelihood of harm resulting.

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 letter on January 11, 2019. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner