



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	SGI Canada, as reported by S.J. Kernaghan Adjusters Ltd. (the Organization)
Decision number (file number)	P2019-ND-157 (File #013196)
Date notice received by OIPC	May 2, 2019
Date Organization last provided information	October 7, 2019
Date of decision	October 24, 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 insurance adjuster for SGI Canada, and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none">• name,• address,• cellphone number,• driver's license number,• date of birth,• details of the incident,• insurance policy info, and• a copy of the police report. <p>This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	

Description of incident	<ul style="list-style-type: none"> On April 9, 2019, an employee’s vehicle was broken into and a briefcase was stolen from the trunk. The briefcase had an insurance claim file inside with personal information of the insured.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Reported the incident to law enforcement. Reported the incident to the Claims Manager and Privacy Office. Reported the incident to the Office of the Information and Privacy Commissioner. Undertook a review of policies and further training is being organized. Reinforcement around not leaving files in vehicles, regardless of whether or not they are locked in the trunk.
Steps taken to notify individuals of the incident	The affected individual was notified on April 29, 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>The Organization did not specifically identify any harm that might result from this incident, but in the notification to the affected individual it stated “As the document contained personal information such as your driver’s licence number, SGI felt it was important to advise you about this incident as this information could potentially be used for identity theft.”</p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss.</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 did not specifically assess the likelihood that significant harm would result from this incident but in the notification to the affected individual, it stated “There is absolutely no indication that the thief was looking for ... information, as several other items were stolen from the vehicle.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in). The Organization can only speculate as to the motives of the thief. The documents have not been recovered to date.</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 contact and identity information at issue could be used to cause the significant harms of identity theft, fraud, and financial loss. The likelihood of harm resulting from this incident is increased as it was the result of malicious intent (break-in). The Organization can only speculate as to the motives of the thief. The documents have not been recovered to date.

I require the Organization to notify the affected individual in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the affected individual was notified by letter on April 29, 2019. The Organization is not required to notify the individual again.

Jill Clayton
Information and Privacy Commissioner