



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	The Great-West Life Assurance Company (Organization)
Decision number (file number)	P2019-ND-177 (File #013593)
Date notice received by OIPC	May 13, 2019
Date Organization last provided information	May 13, 2019
Date of decision	November 27, 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”	<p>The incident involved the following information:</p> <ul style="list-style-type: none">• name,• address,• Group Plan number,• employee ID number,• salary amount,• disability benefit amount. <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 type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">• On March 27, 2019, due to an administrative error, a group plan member received a mailed letter addressed to him, which also contained a copy of a letter intended for a different member.

	<ul style="list-style-type: none"> • The unintended recipient and the affected individual are co-workers who are members of the same group plan. The letter received by the unintended recipient contained information regarding the affected individual's application for short term disability benefits. • The breach was discovered on April 5, 2019 when the unintended recipient notified the Organization after receiving the letter. The unintended recipient returned the letter to the Organization.
Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Requested the return of the letter and received it. • Reminded staff involved in the incident to verify the accuracy of information in all letters prior to sending.
Steps taken to notify individuals of the incident	The affected individual was notified by telephone and by letter on April 9, 2019 and April 10, 2019, respectively.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
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>The Organization reported "The risk that the information could be used to cause the harms of hurt, humiliation and embarrassment".</p> <p>I agree with the Organization's assessment. A reasonable person would consider that the employment and health information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment.</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>The Organization reported "The letter was returned to our organization by the unintended recipient and the information was not exposed for a significant period of time; however, sensitive information was viewed by a coworker and due to the potential for personal/professional relationships between the affected individual and the unauthorized recipient, there is a real risk of hurt, humiliation and embarrassment as a result."</p> <p>I agree with the Organization's assessment. A reasonable person would consider that the likelihood of harm resulting from this incident is decreased as the breach did not result from malicious intent but rather an email error and the information was returned to the Organization. However, due to the potential for personal/professional relationships between the affected individual and the unauthorized recipients, there is a real risk of hurt, humiliation and embarrassment.</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 employment and health information at issue could be used to cause the significant harms of hurt, humiliation and embarrassment. The likelihood of harm resulting from this incident is decreased as the breach did not result from malicious intent but rather an email error and the information was returned to the Organization. However, due to the potential for personal/professional relationships between the affected individual and the unauthorized recipients, there is a real risk of hurt, humiliation and embarrassment.

The Organization is required 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 telephone and by letter on April 9, 2019 and April 10, 2019, respectively. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner