



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Teck Resources Limited (Organization)
Decision number (file number)	P2019-ND-188 (File #013300)
Date notice received by OIPC	May 22, 2019
Date Organization last provided information	May 22, 2019
Date of decision	December 13, 2019
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals whose personal information was collected in Alberta, 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>Information involved in the breach included:</p> <ul style="list-style-type: none">• name,• past work experience,• candidate ranking,• next steps,• medical prescriptions,• family commitments,• career aspirations,• behavioral challenges. <p>This information is about identifiable individuals 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>
DESCRIPTION OF INCIDENT	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	

<p>Description of incident</p>	<ul style="list-style-type: none"> • On March 20, 2019, the Organization was advised by a job candidate that he was able to access not only his online profile but also an internal document which included recruiter notes from his own interview as well as interview notes for others. • The incident occurred sometime between February 20, 2019 and March 20, 2019. • The breach was due to human error. A recruiter scanned six sets of interview notes and a resume, saved them as a single file and then uploaded the file into the job external profile instead of using the internal profile.
<p>Affected individuals</p>	<p>The incident affected 6 individuals.</p>
<p>Steps taken to reduce risk of harm to individuals</p>	<ul style="list-style-type: none"> • Deleted the scanned file document. • Investigated the incident. • Changed the job application portal to restrict documents uploaded to internal links. • Conducted two follow up audits.
<p>Steps taken to notify individuals of the incident</p>	<p>Affected individuals were notified by letter May 21, 2019.</p>
<p>REAL RISK OF SIGNIFICANT HARM ANALYSIS</p>	
<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 reported possible harms that might result from this incident include “Hurt, humiliation, damage to reputation, loss of business or employment opportunities”.</p> <p>I agree with the Organization’s assessment. In my view, a reasonable person would consider that the employment, medical and profile information at issue could be used to cause the harms of hurt, humiliation, damage to reputation, and loss of business or employment opportunities. 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 the likelihood of harm resulting from the incident is “Very unlikely. Although the ... Candidate may have waited to report the access, he had no interest in the material. His main objective was to be a successful candidate for the job. He was hired. He also has been required to and has agreed to keep any information he saw confidential.”</p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is decreased as the breach did not result from malicious intent but rather internal error and was reported by one of the affected individuals. However, the Organization did not confirm there were no other accesses to the information which may have been exposed for a month.</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 individuals.

A reasonable person would consider that the employment, medical and profile information at issue could be used to cause the harms of hurt, humiliation, damage to reputation, and loss of business or employment opportunities. These are significant harms.

The likelihood of harm resulting from this incident is decreased as the breach did not result from malicious intent but rather internal error and was reported by one of the affected individuals. However, the Organization did not confirm there were no other accesses to the information which may have been exposed for a month.

I require the Organization to notify the affected individuals whose personal information was collected in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand affected individuals were notified by letter May 21, 2019. The Organization is not required to notify affected individuals again.

Jill Clayton
Information and Privacy Commissioner