



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Syncrude Canada Ltd. (Organization)
Decision number (file number)	P2019-ND-090 (File #011458)
Date notice received by OIPC	January 2, 2019
Date Organization last provided information	July 12, 2019
Date of decision	July 29, 2020
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 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 all or some of the following information:</p> <ul style="list-style-type: none">• name,• email address, and• written statement regarding a complaint. <p>This information is about identifiable individuals 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">• In December 2018, an employee made a written complaint against an on-site contractor; the contractor provided a written response to the complaint. These documents were provided to the Organization’s security staff.• On December 12, 2018, the security staff forwarded the documents, along with an incident report, to a number of internal staff.

	<ul style="list-style-type: none"> On December 13, 2018, the complaint and the contractor’s response were forwarded to the RCMP by the security staff. A Human Resources Advisor discovered the statements had been disclosed internally and to the RCMP and the Organization’s “...Privacy Advisor was notified of the breaches on December 14, 2018”.
Affected individuals	The incident affected two individuals.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> Advised internal staff to delete the email and any print-outs and confirmed this was done. Discussed the confidential nature of the personal information with internal staff.
Steps taken to notify individuals of the incident	One individual was notified verbally on December 11, 2018 and further by letter on December 21, 2018. The Organization reported that it does not have contact information for the second individual, but has taken steps to obtain this information and, once received “...a notification letter will be sent ... by registered mail”.
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 disclosure may result in humiliation and/or embarrassment [sic]”.</p> <p>I agree with the Organization that a reasonable person would consider the information at issue could be used to cause hurt, humiliation, embarrassment and damage to reputation. These are significant harms.</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 that there is a risk of “humiliation and/or embarrassment in the course of the RCMP investigation.”</p> <p>The employees who received the December 12, 2018 email, deleted it and the attachments, so “there is low likelihood that harm will result” to the individuals as a result of the disclosure.</p> <p>In my view, the likelihood of significant harm resulting from this incident is decreased as the incident did not result from malicious intent, but rather human error. The Organization provided assurances that the information sent internally was deleted. Nonetheless, given the personal/professional relationships, hurt, humiliation, embarrassment and damage to reputation are real risks. Further, in the circumstances, there may be a real risk of damage to reputation or legal consequences resulting from the disclosure to the RCMP.</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 the information at issue could be used to cause hurt, humiliation, embarrassment and damage to reputation. These are significant harms.

The likelihood of significant harm resulting from this incident is decreased as the incident did not result from malicious intent, but rather human error. The Organization provided assurances that the information sent internally was deleted. Nonetheless, given the personal/professional relationships, hurt, humiliation, embarrassment and damage to reputation are real risks. Further, in the circumstances, there may be a real risk of damage to reputation or legal consequences resulting from the disclosure to the RCMP.

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

I understand that one individual was notified verbally on December 11, 2018 and further by letter on December 21, 2018. The Organization is not required to notify this individual again.

The Organization reported that it does not have contact information for the second individual, but has taken steps to obtain this information and, once received "...a notification letter will be sent ... by registered mail". **The Organization is required to confirm to my office in writing, within 10 days of the date of this decision, that the second individual has been notified or, if not, provide reasons why direct notification is not reasonable in the circumstances.**

Jill Clayton
Information and Privacy Commissioner