



**PERSONAL INFORMATION PROTECTION ACT**  
**Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Employee Benefit Funds Administration Ltd. (Organization)
<b>Decision number (file number)</b>	P2020-ND-112 (File #014850)
<b>Date notice received by OIPC</b>	January 28, 2020
<b>Date Organization last provided information</b>	May 8, 2020
<b>Date of decision</b>	September 25, 2020
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	<p>The Organization is incorporated under Part 9 of Alberta’s <i>Companies Act</i> and is a “non-profit-organization” as defined in section 56(1)(b)(i) of PIPA. Under sections 56(2) and (3), PIPA only applies to personal information that is collected, used or disclosed by non-profit organizations in connection with a commercial activity.</p> <p>To the extent the personal information at issue was collected in connection with a commercial activity, PIPA applies.</p>
<b>Section 1(1)(k) of PIPA “personal information”</b>	<p>The incident involved all or some of the following information:</p> <ul style="list-style-type: none"><li>• name of plan member, spouse, daughter,</li><li>• address,</li><li>• telephone number,</li><li>• date of birth,</li><li>• physician referral,</li><li>• Coordination of Benefits statement (COB),</li><li>• physiotherapy clinic information,</li><li>• policy number, and</li><li>• insurer’s name.</li></ul> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA.</p>

<b>DESCRIPTION OF INCIDENT</b>	
<input type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input checked="" type="checkbox"/> unauthorized disclosure	
<b>Description of incident</b>	<ul style="list-style-type: none"> <li>• On October 31, 2019, an employee with the Organization inadvertently switched two claims documents and mailed them to the wrong member.</li> <li>• On November 12, 2019, the Organization received a call from one of the recipients reporting the error.</li> <li>• The Organization contacted the recipients and requested they return the original documents to the Organization. Both plan members returned the documents.</li> </ul>
<b>Affected individuals</b>	The incident affected 2 individuals.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>• Met with the employee and claims department to discuss the incident and asked the employee to pay special attention when stuffing envelopes.</li> <li>• Requested the unintended recipients return the claim documents to the Organization.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	The affected individuals were notified by telephone and by letter sent on January 27, 2020.
<b>REAL RISK OF SIGNIFICANT HARM ANALYSIS</b>	
<b>Harm</b> 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.	The Organization reported that “Plan members may try to call the insurer pretending to be the other plan member”.  In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Medical information could be used to cause the harms of hurt, humiliation or embarrassment. These are significant harms.
<b>Real Risk</b> 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.	The Organization reported that the risk of harm resulting from this incident is “Minimal – both are IBEW Local 424 members”  In my view, a reasonable person would consider the likelihood of significant harm resulting from this incident is decreased as the breach was not the result of malicious intent but rather a mailing error. Given the affected individuals are both members, the likelihood of identity theft and fraud is decreased. However, these relationships increase the likelihood of hurt, humiliation and embarrassment resulting from the incident.

**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.

In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Medical information could be used to cause the harms of hurt, humiliation or embarrassment. These are significant harms. The likelihood of significant harm resulting from this incident is decreased as the breach was not the result of malicious intent but rather a mailing error. Given the affected individuals are both members, the likelihood of identity theft and fraud is decreased. However, these relationships increase the likelihood of hurt, humiliation and embarrassment resulting from the incident.

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 the Organization notified the affected individuals by telephone and by letter on January 27, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton  
Information and Privacy Commissioner