



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	CNOOC Petroleum North America ULC (Organization)
Decision number (file number)	P2020-ND-132 (File #014864)
Date notice received by OIPC	February 4, 2020
Date Organization last provided information	February 4, 2020
Date of decision	November 3, 2020
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 operates in Alberta and is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	The incident involved feedback and opinions from co-workers relating to an employee’s performance as well as information regarding the employee’s job performance (including references to performance ratings). This information is about an identifiable individual and is “personal information” as defined in section 1(1)(k) of PIPA.
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 January 15, 2020, an employee of the Organization sent an email to a number of individuals summarizing a meeting held the previous day. The employee inadvertently attached the wrong document to the email, disclosing the information at issue.• The incident was discovered by the subject of the email, who reported it to the sender, the sender’s supervisor, and human resources.

Affected individuals	The incident affected 1 individual.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Investigated and interviewed all recipients of the email. • Requested all recipients delete the email (only one had read the full contents, two others had only glanced at the contents) and not forward it to anyone else. • Obtained undertakings from the recipients that they had not and would not share any personal information associated with this incident. • Tried to recall the email in question, and conducted an audit to confirm there was no further access to or distribution of it. • Secured access permissions to the email to prevent further access. • Issuing a reminder to all employees about the Organization’s policies and procedures and security of personal information. • Taking appropriate corrective action with the email sender.
Steps taken to notify individuals of the incident	The affected individual was notified of the breach by telephone.
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 reported “This incident presents a potential for harm to [the affected individual], as the disclosure of personal information (including performance information and other sensitive information) to inappropriate recipients could cause the harms of hurt, humiliation or embarrassment ...”.</p> <p>I agree with the Organization’s assessment. A reasonable person would consider that the employment information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment, and damage to professional reputation, particularly where there are personal/professional relationships between the affected individual and the unintended recipients of the email.</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 that it “.....has taken a number of steps to reduce the risk of harm; such as ensuring no further disclosure and advising the individuals involved of the sensitive nature of the incident.”</p> <p>In my view, a reasonable person would consider that the likelihood of harm resulting from this incident is increased because the information at issue was disclosed to individuals with whom the affected individual has a professional relationship.</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 information at issue could be used to cause the significant harms of hurt, humiliation or embarrassment, and damage to professional reputation, particularly where there are personal/professional relationships between the affected individual and the unintended recipients of the email. The likelihood of harm resulting from this incident is increased because the information at issue was disclosed to individuals with whom the affected individual has a professional relationship.

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 Organization notified the affected individual by telephone in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton
Information and Privacy Commissioner