



**PERSONAL INFORMATION PROTECTION ACT  
Breach Notification Decision**

<b>Organization providing notice under section 34.1 of PIPA</b>	Sun Life Assurance Company of Canada (Organization)
<b>Decision number (file number)</b>	P2020-ND-177 (File #017296)
<b>Date notice received by OIPC</b>	September 15, 2020
<b>Date Organization last provided information</b>	September 22, 2020
<b>Date of decision</b>	December 3, 2020
<b>Summary of decision</b>	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).
<b>JURISDICTION</b>	
<b>Section 1(1)(i) of PIPA “organization”</b>	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
<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,</li><li>• address,</li><li>• certificate and claim control number,</li><li>• benefit policy number,</li><li>• benefit type, and</li><li>• disability claim status.</li></ul> <p>This information is about an identifiable individual 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 August 19, 2020, the Organization sent a claim status letter to the individual’s employer benefits general email account.</li></ul>

	<ul style="list-style-type: none"> <li>The individual works with the team that administers benefits for their employer; as such, their personal information was potentially disclosed to colleagues.</li> <li>Eight days later, on August 27, 2020, the employer discovered the email, deleted the message, and informed the Organization.</li> </ul>
<b>Affected individuals</b>	The incident affected 1 individual / resident of Alberta.
<b>Steps taken to reduce risk of harm to individuals</b>	<ul style="list-style-type: none"> <li>Reiterated to the responsible employee the importance of reviewing email recipients prior to sending.</li> <li>The Organization also reported that the employee recently completed their formal annual privacy refresher training.</li> <li>The individual’s employer deleted the email from the general account and confirmed with other employees that the email was deleted, and not copied nor shared.</li> </ul>
<b>Steps taken to notify individuals of the incident</b>	Affected individual was notified verbally on August 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 the information at issue may cause “Humiliation and/or embarrassment”.  I agree with the Organization’s assessment. A reasonable person would consider the health information at issue could be used to cause the significant harms of humiliation and embarrassment. Further harms may include loss of employment, loss of professional opportunities, and damage to reputation. 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 reports: “[t]his situation presently causes embarrassment and may continue to do so when the [individual] and colleagues return to the workplace”.  I agree with the Organization’s assessment. While the incident was due to human error and the information was recovered, the Organization reports that harm has been realized and may continue to be experienced by the individual. Further, the information may have been exposed to the individual’s colleagues for approximately eight days.
<b>DECISION UNDER SECTION 37.1(1) OF PIPA</b>	
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 the health information at issue could be used to cause the significant harms of humiliation and embarrassment. Further harms may include loss of employment, loss of professional opportunities, and damage to reputation. These are significant harms. While the incident was due to human error and the information was recovered, the Organization reports that harm has been realized and may continue to be experienced by the individual. Further, the information may have been exposed to the individual's colleagues for approximately eight days.

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 verbally on August 27, 2020 in accordance with the Regulation. The Organization is not required to notify the affected individual again.

Jill Clayton  
Information and Privacy Commissioner