



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	ivari (Organization)
Decision number (file number)	P2021-ND-039 (File #017022)
Date notice received by OIPC	February 14, 2020
Date Organization last provided information	January 7, 2021
Date of decision	March 2, 2021
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify those individuals whose personal information was collected in Alberta pursuant to section 37.1 of <i>the 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,• address,• social insurance number,• banking information, and• health information. <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. The personal information was collected in Alberta.</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">• On January 27, 2020, insurance policy contracts were placed into incorrect courier packages. Subsequently, the documents were delivered to unintended recipients.

	<ul style="list-style-type: none"> • The breach was discovered 10 days later on February 6, 2020 when the intended recipients contacted the Organization asking where the contracts were. • The Organization is unable to confirm if the documents have been returned or destroyed.
Affected individuals	The incident affected 2 residents of Alberta.
Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Attempted to retrieve misdirected documents. • Reminded mailroom staff to be diligent when placing documents into courier packages. • Recommended that the impacted individuals monitor accounts for unusual activity.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter on February 12, 2020.

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 possible harm that might result from the breach is “Identity theft”.</p> <p>In my view, a reasonable person would consider that the contact, identity, and financial information at issue could be used to cause the harms of identity theft and fraud. The health information at issue could be used to cause the harms of embarrassment, hurt or humiliation, and damage to reputation or relationships. These are significant harms.</p>
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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 “[t]he likelihood of harm is low as the policy contracts were sent to another Managing General Agency (MGA) office contracted with [the Organization]. All MGA’s [sic] must follow privacy laws and regulations.”</p> <p>In my view, the likelihood of harm resulting from this incident is decreased because the breach was not the result of malicious intent, but rather human error. However, the risk is increased given the nature of the information at issue. Further, the Organization was unable to confirm that the misdirected documents were returned or destroyed despite multiple attempts to do so.</p>
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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 contact, identity, and financial information at issue could be used to cause the harms of identity theft and fraud. The health information at issue could be

used to cause the harms of embarrassment, hurt or humiliation, and damage to reputation or relationships. These are significant harms.

The likelihood of harm resulting from this incident is decreased because the breach was not the result of malicious intent, but rather human error. However, the risk is increased given the nature of the information at issue. Further, the Organization was unable to confirm that the misdirected documents were returned or destroyed despite multiple attempts to do so.

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 the Organization notified affected individuals in a letter dated February 12, 2020, in accordance with the Regulation. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner